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Die Mercurii 20 Aprilis, 1709.

**I***T is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That when the several Transcripts or Collection of the Statutes now in Force, relating to High Treason, and Misprision of High Treason, and the Methods of Trial for those Crimes, shall be Subscribed by all the Judges, they shall be forthwith Printed and Published by Her Majesties Printers, for the better Information of the People of Great Britain, in relation to those Laws.*

Math. Johnson,  
Cler' Parliamentor'

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Gr Brit ain.

Statutes - Collections on  
particular subjects.



159a

A  
COLLECTION  
Of the several  
STATUTES,  
AND  
Parts of STATUTES,  
Now in Force, relating to  
HIGH TREASON,  
And Misprision of  
High Treason.

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L O N D O N, Printed by the Assigns of  
Thomas Newcomb, and Henry Hills, de-  
ceas'd; Printers to the Queens most Excel-  
lent Majesty. 1710.

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A  
COLLECTION  
Of the several  
Statutes, and Parts of Statutes,  
Now in FORCE,  
Relating to  
HIGH TREASON,  
AND  
Dispriſion of High Treason.

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25 Edw. 3. Stat. 5. Cap. 2.

*A Declaration which Offences ſhall be adjudged  
Treason.*



*Item,* Whereas divers Opinions  
have been before this time in  
what Case Treason shall be said,  
and in what not : The King,  
at the Request of the Lords and  
of the Commons, hath made  
a Declaration in the manner  
as hereafter followeth ; That  
to say, When a Man doth compass or imagine  
the Death of our Lord the King, or of our Lady  
his Queen, or of their eldest Son and Heir : Or  
A 3 if

## 6 A Collection of the Statutes

if a Man do Violate the Kings Companion, or the Kings eldest Daughter unmarried, or the Wife of the Kings eldest Son and Heir : Or if a Man do levy War against our Lord the King in his Realm, or be adherent to the Kings Enemies in his Realm, giving to them aid and comfort in the Realm, or elsewhere, and thereof be probably attainted of open Deed by the People of their Condition : And if a Man counterfeit the Kings Great or Privy Seal, or his Money : And if a Man bring false Money into this Realm, counterfeit to the Money of *England*, as the Money called *Lusburgh*, or other like to the said Money of *England*, knowing the Money to be false, to Merchandise or make Payment, in deceit of our said Lord the King, and of his people : And if a Man slay the Chancellor, Treasurer, or the Kings Justices of the one Bench or the other, Justices in Eyre, or Justices of Assize, and all other Justices assigned to hear and determine, being in their Places doing their Offices : And it is to be understood, that in the Cases above rehearsed that ought to be judged Treason, which extends to our Lord the King and his Royal Majesty : And of such Treason the Forfeiture of the Escheats pertaineth to our Lord, as well of the Lands and Tenements holden of other, as of himself : And because that many other like Cases of Treason may happen in time to come, which a Man cannot think nor declare at this present time, it is accorded, That if any other Case, supposed Treason, which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to judgment of the Treason, till the Cause be shewed and declared before the King,

## Relating to High Treason. 7

King, and his Parliament, whether it ought to be judged Treason or other Felony : And if per-  
chance any Man of this Realm ride armed covertly  
or secretly with Men of Arms against any other,  
to slay him, or rob him, or take him, or retain  
him till he hath made fine or ransom for to have  
his deliverance, it is not the mind of the King nor  
his Council, that in such case it shall be judged  
Treason, but shall be judged Felony or Trespafs,  
according to the Laws of the Land of old time  
used, and according as the case requireth.

### 26 Henrici 8. Cap. 13.

*Memorandum, All the particular Treasons made  
Treasons by this Act, are Expired or Repealed.]*

**I**T shall be High Treason to wish or desire, by  
words or writing, or to imagine, invent, or  
attempt any bodily harm to be done to the King,  
the Queen, or their Heirs apparent, or to deprive  
any of them of the dignity, stile, or name of their  
Royal Estates ; or to publish that the King is an  
Heretick, Schismatick, Infidel, or Usurper ; or  
to detain from the King, his Heirs or Successors,  
any of his or their Castles, or Holds, or any of  
his or their Ships, or Munitions of War.

And to the intent that all Treasons should be  
the more dread, hated, and detested to be done  
by any person or persons, and also because it is a  
great boldness, and an occasion to ill-disposed  
persons to adventure and embrace their malicious  
intentents and enterprizes, which all true Subjects

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ought to study to eschew: Be it therefore Enacted by the Authority aforesaid, That none Offender in any kinds of High Treasons, whatsoever they be, their aiders, consenters, counsellors, nor abettors, shall be admitted to have the benefit or privilege of any manner of Sanctuary, considering that matters of Treasons touch so nigh both the Surety of the King our Sovereign Lords Person, his Heirs and Successors.

And over that, be it Enacted by Authority aforesaid, That if any of the Kings Subjects, Denizens or other, do commit or practise out of the Limits of this Realm, in any outward Parts, any such Offences, which by this Act are made, or heretofore have been made Treason, that then such Treasons, whatsoever they be, or wheresoever they shall happen so to be done or committed, shall be enquired and presented by the Oaths of Twelve good and lawful Men, upon good and probable Evidence and Witness, in such Shire and County of this Realm, and before such persons as it shall please the Kings Highness to appoint by Commission under his Great Seal, in like manner and form as Treasons committed within this Realm have been used to be enquired of and presented; and that upon every Indictment and Presentment found and made of any such Treasons, and certified into the Kings Bench, like Process and other Circumstance shall be there had and made against the Offenders, as if the same Treasons so presented had been lawfully found to be done and committed within the Limits of this Realm. And that all Process of Outlawry hereafter to be made and had within this Realm, against any Offenders in Treason, be-  
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## Relating to High Treason. 9

Enacting resiant or inhabited out of the Limits of this Realm, or in any of the Parts of beyond the Sea, at the time of the Outlawry pronounced against them, shall be as good and as effectual in the Law, to all intents and purposes, as if such Offenders had been resident and dwelling within this Realm, at the time of such Process awarded, and Outlawry pronounced.

And be it further Enacted by Authority aforesaid, That every Offender and Offenders, being hereafter lawfully Convict of any manner of High Treasons by presentment, confession, verdict, or process of Outlawry, according to the due course and custom of the common Laws of this Realm, shall lose and forfeit to the Kings Highness, his Heirs and Successors, all such Lands, Tenements, and Hereditaments, which any such Offender or Offenders shall have of any Estate of Inheritance in use or possession, by any Right, Title or Means within this Realm of *England*, or elsewhere within any of the Kings Dominions, at the time of any such Treason committed, or any time after: Saving to every person and persons, their Heirs and Successors (other than the Offenders in any Treasons, their Heirs and Successors, and such person and persons as claim to any their Uses) all such Rights, Titles, Interests, Possessions, Leases, Rents, Offices, and other Profits, which they shall have at the day of committing such Treasons, or at any time afore, in as large and ample manner as if this Act had never been had nor made.



## 28 Henrici 8. Cap. 15.

*For Pirates.*

**W**HERE Traytors, Pirates, Thieves, Robbers, Murderers, and Confederates upon the Sea, many times escaped Unpunished, because the Trial of their Offences hath heretofore been Ordered, Judged and Determined before the Admiral, or his Lieutenant, or Commissary, after the course of the Civil Laws, the nature whereof is, That before any Judgment of Death can be given against the Offenders, either they must plainly confess their Offences, ( which they will never do without Torture or Pains ) or else their Offences be so plainly and directly proved by Witness indifferent, such as saw their Offences committed ( which cannot be gotten, but by chance at few times ) because such Offenders commit their Offences upon the Sea, and at many times murder and kill such Persons, being in the Ship or Boat, where they commit their Offences, which should Witness against them in that behalf; and also such as should bear Witness, be commonly Mariners and Shipmen, which because of their often Voyages and Passages in the Seas, depart without long tarrying and protraction of time, to the great Costs and Charges, as well of the Kings Highness, as such as would pursue such Offenders: For Reformation whereof, Be it Enacted by the Authority of this present Parliament, That all Treasons, Felonies, Robberies, Murders, and Confederacies, hereaf-

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ter to be Committed in or upon the Sea, or in any other Haven, River, Creek or Place, where the Admiral or Admirals have, or pretend to have Power, Authority or Jurisdiction, shall be Enquired, Tried, Heard, Determined and Judged, in such Shires and Places in the Realm, as shall be limited by the Kings Commission or Commissions to be directed for the same, in like Form and Condition, as if any such Offence or Offences had been committed or done in or upon the Land; and such Commissions shall be had under the Kings Great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, Deputy and Deputies, and to Three or Four such other substantial Persons as shall be named or appointed by the Lord Chancellor of *England* for the time being, from time to time, and as oft as need shall require, to hear and determine such Offences, after the common Course of the Laws of this Land, used for Treasons, Felonies, Robberies, Murders and Confederacies of the same, done and committed upon the Land within this Realm.

And be it Enacted by the Authority aforesaid, That such Persons to whom such Commission or Commissions shall be directed, or Four of them at the least, shall have full Power and Authority to enquire of such Offences, and of every of them, by the Oaths of Twelve good and lawful Inhabitants in the Shire limited in their Commission, in such like manner and form as if such Offences had been Committed upon the Land within the same Shire; and that every Indictment found and presented before such Commissioners, of any Treasons, Felonies, Robberies, Murders, Man-

slaughters, or such other Offences be committed or done in or upon the Seas, or in or upon any other Haven, River, or Creek, shall be good and effectual in the Law: And if any Person or Persons happen to be Indicted for any such Offence done, or hereafter to be done upon the Seas, or in any other place above limited, That then such Order, Process, Judgment and Execution shall be used, had, done, and made, to and against every such Person and Persons so being Indicted, as against Traytors, Felons, and Murderers, for Treason, Felony, Robbery, Murder, or other such Offences done upon the Land, as by the Laws of this Realm is accustomed: And that the Trial of such Offence or Offences, if it be denied by the Offender or Offenders, shall be had by Twelve lawful Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid, and no Challenge or Challenges to be had for the Hundred: And such as shall be Convict of any such Offence or Offences, by Verdict, Confession or Process, by Authority of any such Commission, shall have and suffer such pains of Death, losses of Lands, Goods and Chattels, as if they had been Attainted and Convicted of any Treasons, Felonies, Robberies, or other the said Offences done upon the Lands.

And be it Enacted by Authority aforesaid, That for Treasons, Robberies, Felonies, Murders and Confederacies done upon the Sea or Seas, or in any Place above rehearsed, the Offenders shall not be admitted to have the benefit of his or their Clergy, but be utterly excluded thereof and from the same, and also of the Privilege of any Sanctuary.

33 Henrici 8. Cap. 20.

*How Treason committed by a Lunatick shall be Punished, and in what manner he shall be Tried.*

AND be it further Enacted by the Authority of this present Parliament, That if any Person or Persons shall be Attainted of High Treason by course of the Common Laws or Statutes of this Realm, that in every such case, every such Attainder by the Common Law shall be of as good Strength, Value, Force and Effect, as if it had been done by Authority of Parliament; and that the Kings Majesty, his Heirs and Successors, shall have as much Benefit and Advantage by such Attainder, as well of Uses, Rights, Entries, Conditions, as Possessions, Reversions, Remainders, and all other things, as if it had been done and declared by Authority of Parliament, and shall be deemed and adjudged in actual and real Possession of the Lands, Tenements, Hereditaments, Uses, Goods, Chattels, and all other things of the Offenders so Attainted, which his Highness ought lawfully to have, and which they so being Attainted, ought or might lawfully lose and forfeit; if the Attainder had been done by Authority of Parliament, without any Office or Inquisition to be found of the same; Any Law, Statute or Use of the Realm, to the contrary thereof in any wise notwithstanding.

Saving to all and every Person and Persons, and Bodies Politick, and their Heirs, Assigns and Successors.

Successors, and every of them (other than such Person and Persons which hereafter shall be Attainted of High Treason, and their Heirs, and Assigns, and every of them, and all and every other Person and Persons claiming by them, or any of them, or to their Uses, or to the Uses of any of them, after the said Treason committed) all such Right, Title, Use, Possession, Entry, Reversions, Remainders, Interests, Conditions, Fees, Offices, Rents, Annuities, Commons, Leases, and all other Commodities, Profits, and Hereditaments whatsoever, they, or any of them, should, might, or ought to have had, if this Act had never been had ne made.

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### 35 Henrici 8. Cap. 2.

*An Act for the Trial of Treasons committed out of the Kings Dominions.*

**F**ORasimuch as some Doubts and Questions have been moved, that certain kinds of Treasons, Misprisions and Concealments of Treasons, done, perpetrated, or committed out of the Kings Majesties Realm of *England*, and other his Graces Dominions, cannot ne may, by the Common Laws of this Realm, be enquired of, heard and determined, within this his said Realm of *England*; For a plain remedy, order and declaration therein to be had and made, Be it Enacted by Authority of this present Parliament, That all manner of Offences being already made or declared, or hereafter to be made or declared



Declared by any the Laws and Statutes of this Realm, to be Treasons, Misprisions of Treasons, Concealments of Treasons, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed, by any Person or Persons out of this Realm of *England*, shall be from henceforth enquired of, heard and determined before the Kings Justices of his Bench, for Pleas to be holden before himself, by good and lawful Men of the same Shire, where the said Bench shall sit and be kept, or else before such Commissioners, and in such Shire of the Realm, as shall be assigned by the Kings Majesties Commission, and by good and lawful Men of the same Shire, in like manner and form to all intents and purposes, as if such Treasons, Misprisions of Treasons, or Concealments of Treasons, had been done, perpetrated and committed within the same Shire where they shall be so enquired of, heard and determined, as is aforesaid.

Provided always, That if any the Peers of this Realm shall happen to be Indicted of any such Treasons, or other Offences aforesaid, by Authority of this Act, that then after such Indictment, they shall have their Trial by their Peers, in such like manner and form as hath been heretofore accustomed.

## 1 Edwardi 6. Cap. 12.

*An Act for the Repeal of certain Statutes concerning Treasons and Felonies, &c.*

**P**ROVIDED always, and be it Enacted by the Authority aforesaid, That no Person or Persons, after the First day of *February* next coming, shall be Indicted, Arraigned, Condemned, or Convicted for any offence of Treason, Petit-Treason, Misprision of Treason, or for any words before specified to be spoken after the said First day of *February*, for which the same Offender, Speaker, Offenders or Speakers, shall in any wise suffer any pains of Death, Imprisonment, Loss or Forfeiture of his Goods, Chattels, Lands or Tenements, unless the same Offender, Speaker, Offenders or Speakers, be accused by two sufficient and lawful Witnesses, or shall willingly, without violence, confess the same.

## 5 &amp; 6 Edwardi 6. Cap. 11.

*An Act for the Punishment of divers kinds of Treasons.*

[Memorandum, That all the particular Treasons made Treason by this Act, and which were not Treason by the Stat. of 25. Edw. 3. are Expired or Repealed by the Stat. of 1 Mariæ. Cap. 1.]

**A**ND over that be it Enacted by the Authority aforesaid, That if any of the Kings Subjects, Denizens or other, do commit or practise,



life, out of the limits of this Realm in any outward parts, any the Offences which by this Act made, or heretofore now standing in force have been made Treason, that then such Treasons whatsoever they be, or wheresoever they shall happen so to be done or committed, shall be enquired and presented by the Oaths of twelve good and lawful Men, upon good and probable evidence and Witness, in such Shire and County of this Realm, and before such Persons as it shall please the King, his said Heirs or Successors, to appoint by Commission, under his Great Seal, in like manner and form as Treasons committed within this Realm have been used to be enquired of and presented; and that upon every Indictment and Presentment founden and made of any such Treasons, and certified into the Kings Bench, like Process and other Circumstance shall be there made and had against the Offenders, as if the same Treason so presented had been lawfully found to be done and committed within the limits of this Realm.

And that all Process of Outlawry hereafter to be made and had within this Realm, against any Offenders in Treason, being Resiant or Inhabitant out of the limits of this Realm, or in any the parts beyond the Sea, at the time of the Outlawry pronounced against them, shall be as good and effectual in the Law, to all intents and purposes, as if any such Offenders had been resident and dwelling within this Realm at the time of such Process awarded, and Outlawry pronounced.

Provided always, and be it Enacted by the Authority aforesaid, That if the party so hereafter

ter to be Outlawed shall within one Year next after the said Outlawry pronounced, or Judgment given upon the said Outlawry, yield himself unto the Chief Justice of *England* for the time being, and offer to traverse the Indictment or Appeal, whereupon the said Outlawry shall be pronounced, as is aforesaid, that then he shall be received to the said Traverse, and being thereupon found not guilty by the Verdict of twelve Men, he shall be clearly acquitted and discharged of the said Outlawry, and of all Penalties and Forfeitures by reason of the same, in as large and ample manner and form, as though no such Outlawry had been made; Any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That every Offender and Offenders being hereafter lawfully Convict of any manner of High Treason, by Presentment, Confession, Verdict or Process of Outlawry, according to the due course and custom of the Laws of this Realm, shall lose and forfeit to the Kings Highness, his Heirs and Successors aforesaid, all such Lands, Tenements and Hereditaments, which any such Offender or Offenders shall have of any Estate of Inheritance in his own right, in use or possession, within this Realm of *England* or elsewhere, within any the Kings Dominions at the time of any such Treasons committed, or at any time afore.

Provided also, and be it Declared and Enacted by the Authority aforesaid, That Concealment or Keeping secret of any High Treason be deemed and taken only Misprision of Treason, and the Offender

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Offender therein to forfeit and suffer as in Cases of Misprision of Treason, as heretofore hath been used; Any thing above-mentioned to the contrary notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That no Person or Persons, after the first Day of *June* next coming, shall be Indicted, Arraigned, Condemned, Convicted or Attainted for any of the Treasons or Offences aforesaid, or for any other Treasons that now be, or hereafter shall be, which shall hereafter be perpetrated, committed or done, unless the same Offender or Offenders be thereof accused by two Lawful Accusers, which said Accusers at the time of the Arraignment of the Party accused, if they be then living, shall be brought in person before the Party so accused, and avow and maintain that that they have to say against the said Party, to prove him guilty of the Treasons or Offences contained in the Bill of Indictment laid against the Party arraigned, unless the said Party arraigned shall willingly, without Violence, confess the same. Saving to every Person and Persons, their Heirs and Successors, other than the Offenders and their Heirs, and such Person and Persons as claim to any their Uses, all such Rights, Titles, Interests, Possessions, Leases, Rents, Reversions, Offices and other Profits, which they, or any of them, shall have at the day of committing such Treasons, or at any time afore, in as large and ample manner as if this Act had never been had nor made.

Provided also, and be it Enacted by the Authority aforesaid, That the Wife or Wives whose Husband or Husbands hereafter shall be Attainted of Treasons specified in this Act, or of any other Treasons

Treasons whatsoever they be, shall in no wise be received to ask, challenge, demand or have Dower of any the Lands, Tenements or Hereditaments of any the Person or Persons to be Attainted of Treason, as is aforesaid, during the said Attainder in his force; Any thing before-mentioned to the contrary in any wise notwithstanding.

## I Mariæ, Sess. 1. Cap. 1.

*An Act Repealing and Taking away certain Treasons, Felonies, and Cases of Præmunire.*

**B**E it Ordained and Enacted by the Queen, Our Sovereign Lady, with the Assent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament assembled, and by the Authority of the same, That from henceforth none Act, Deed or Offence, being by Act of Parliament or Statute made Treason, Petit Treason, or Misprision of Treason, by Words, Writing, Cyphering, Deeds, or otherwise whatsoever, shall be taken, had, deemed or adjudged to be High Treason, Petit Treason, or Misprision of Treason, but only such as be declared and expressed to be Treason, Petit Treason, or Misprision of Treason, in or by the Act of Parliament or Statute made in the Twenty fifth Year of the Reign of the most Noble King, of Famous Memory, King *Edward* the Third, touching or concerning Treason, or the Declarations of Treasons, and none other: Nor that any Pains of Death, Penalty or Forfeiture in any wise ensue, or be to any Offender

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or Offenders for the doing or committing any Treason, Petit Treason, or Misprision of Treason, other than such as be in the said Estatute made in the said Five and twentieth Year of the Reign of the said King *Edward* the Third, Ordained and Provided ; Any Act or Acts of Parliament, Statute or Statutes, had or made at any time heretofore, or after the said Five and twentieth Year of the Reign of the said late King *Edward* the Third, or any other Declaration or Matter, to the contrary in any wise notwithstanding.

### I Mariæ, Sess. 2. Cap. 6.

*An Act that the Counterfeiting of Strange Coins, being Current within this Realm, the Queens Highness Sign Manual, Signet or Privy Seal, to be judged Treason.*

**F**Orasmuch as by the Laws of this Realm, small, and no due and condign Punishment is at this present time provided for such evil-disposed Persons as shall Counterfeit or Forge such kind of Gold or Silver of other Realms, as is not the proper Coin of this Realm, and yet permitted and suffered by the Queen our Sovereign Ladies Consent, and heretofore hath been permitted and suffered by the Consent of her most Noble Progenitors, to be Current in Payment within this her Realm, nor for such Persons as shall Counterfeit the Queens Highness Sign Manual, or Privy Signet, or Privy Seal, by reason whereof divers evil-disposed Persons are encouraged and boldned daily to perpetrate and commit the said several Offences ;



fences ; For Remedy whereof, Be it Enacted by our said Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons hereafter falsely Forge and Counterfeit any such kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, and is or shall be Current within this Realm, by the Consent of the Queen, her Heirs or Successors : Or if any Person or Persons, at any time hereafter, do falsely Forge or Counterfeit the Queens Sign Manual, Privy Signet, or Privy Seal ; That then every such Offence shall be deemed and judged High Treason, and the Offenders therein, their Counsellors, Procurers, Aiders and Abettors, being Convict according to the Laws of this Realm of any of the said Offences, shall be likewise deemed and adjudged Traitors against the Queen, her Heirs and Successors, and the Realm, and shall suffer and have such Pains of Death, Forfeiture of Lands, Goods and Chattels, and also lose the Privilege of all Sanctuary, as in Case of High Treason it is used and ordained.

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### 1 & 2 Phil. & Mar. Cap. 10.

*An Act that certain Offences be made Treasons.*

**A**ND be it further Enacted by the Authority aforesaid, That all Trials hereafter to be had awarded, for made for any Treason, shall be had

and used only according to the due Order and Course of the Common Laws of this Realm, and not otherwise. Saving to every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, other than the Offenders, and their Heirs, and such Person and Persons as Claim to any of their Uses, all such Rights, Titles, Interests, Possessions, Leases, Rents, Reversions, Offices, and other Profits, which they or any of them shall have at the Day of the committing such Treasons, or at any time afore, in as large and ample manner as if this Act had never been had nor made.

Provided always, and be it Declared and Enacted by the Authority aforesaid, That Concealment or Keeping secret of any High Treason, be deemed and taken only Misprision of Treason, and the Offenders therein to forfeit and suffer as in Cases of Misprision of Treason hath heretofore been used; Any thing above-mentioned to the contrary notwithstanding.

Provided also, That if it shall fortune hereafter any of the Peers of this Realm to be Indicted of any of the Offences made Treason or Misprision of Treason by this Act, That then the same Peer or Peers so being Indicted, shall be put to answer unto every such Indictment before the High Steward of *England* for the time being, and to have his and their Trial by his and their Peers, and to receive and have such like Judgment upon the same Trial of his or their Peers, or making open Confession of the same Offence or Offences, as is used in other cases of High Treason.

Provided nevertheless, and be it Enacted by the Authority aforesaid, That in all cases of High Treason concerning Coin current within this  
8  
Realm,



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Realm, or for Counterfeiting the King or Queen's Signet, Privy Seal, Great Seal, or Sign Manual in such manner of Trial, and none other, be observed and kept, as heretofore hath been used by the Common Laws of this Realm; Any Law, Statute, or any other thing or things to the contrary notwithstanding.

Provided always, That the Counsellors, Procurers, Comforters, and Abettors, for his or their first Offence shall suffer like punishment, penalty and forfeiture as is contained in this Act against the Principal Offenders for their first Offence, and none other. And that the Counsellors, Procurers, Comforters, and Abettors, for his or their second Offence shall sustain like punishment, penalty and forfeiture as is contained in this Act against the Principal Offender or Offenders for their second Offence, and none other.

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### 1 & 2 Phil. & Mariæ. Cap. 11.

*An Act for the Punishment of the Bringing in of the Counterfeit Coins of Foreign Realms being Current within this Realm.*

**W**Here divers and fundry Coins of Gold and Silver of other Realms, not being of the proper Coin of this Realm of England, and yet by the sufferance and consent of the King and Queen, our Sovereign Lord and Lady, be Current in Payment within this Realm, many ill-disposed Persons, for their own corrupt lucre and advantage, have now of late brought into this

Realm

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alm, from the Parts of beyond the Sea, great quantity of forged and counterfeit Money, like the said Coin of other Foreign Realms, and have uttered the same here, by Merchandizing, and otherwise, to divers of the Subjects of this Realm, to their great deceit, hurt, and damage, because the said ill-disposed persons have perceived and understood, that there was not, nor is any sufficient Law or Statute made or provided for the condign Punishment of the Offenders in that behalf :

Wherefore be it Enacted and Established by the Authority of this present Parliament, That if any person or persons, after the Twentieth day of *January* next coming, shall bring from the Parts of beyond the Sea, into this Realm, or into any of the Dominions of the same, any such false and counterfeit Coin of Money, being current within this Realm, as is aforesaid, knowing the same to be false and counterfeit, to the intent to utter or make payment with the same within this Realm, or any the Dominions of the same, by Merchandizing, or otherwise ; That all and every such person or persons so Offending, as aforesaid, their Counsellors, Procurers, Aiders, and Abettors in that behalf, shall be deemed and judged to be Offenders in High Treason, and shall suffer, after lawful Conviction or Attainder thereof, such pains of Death, loss and forfeiture of Lands, Goods and Chattels, as other Offenders shall do in cases of High Treason.

And be it further Enacted by the Authority aforesaid, That all and every person and persons that at any time after the said Twentieth day of *January*, be accused or impeached of any of the

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Offences contained and provided for in this **E** statute, or of any other Offence or Offences, concerning the impairing, counterfeiting or forging any Coin current within this Realm, shall and may be Indicted, Arraigned, Tried, Convicted, Attainted, by such like Evidence, and in such manner and form as hath been used and accustomed within this Realm, at any time before the first Year of the Reign of our late Sovereign Lord King *Edward* the Sixth; Any Statute, Custom, Law or Usage to the contrary therein any wise notwithstanding.

**I Eliz. Cap. I.**

*An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all Foreign Powers repugnant to the same.*

**A**ND for the more sure Observation of this Act, and the utter Extinguishment of Foreign and Usurped Power and Authority. May it please your Highness that it may be Enacted by the Authority aforesaid, That any person or persons dwelling or inhabiting within this your Realm, or in any other your Highness Realms or Dominions, of what Estate, Dignity, or Degree soever he or they be, after the end of Thirty Days, next after the determination of this Session of this present Parliament, shall by Writing, Printing, Teaching, Preaching, Express Words, Deed or Act, adversely, maliciously and directly affirm, hold, maintain, with, set forth, maintain or defend the Au

## Relating to High Treason. 27

ity, Preeminence, Power or Jurisdiction Spiritual or Ecclesiastical, of any Foreign Prince, Prelate, Person, State or Potentate whatsoever, heretofore claimed, used or usurped within this Realm, or any Dominion or Country being within or under the Power, Dominion or Obeisance of your Highness; or shall advisedly, maliciously and directly put in ure, or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped Jurisdiction, Power, Preeminence or Authority, or any part thereof; that then every such person and persons so doing and offending, their Abettors, Aiders, Procurers and Counsellors, being thereof lawfully Convicted and Attainted, according to the due order and course of the Common Laws of this Realm, for his or their first Offence, shall forfeit and lose unto your Highness, your Heirs and Successors, all his and their Goods and Chattels, as well Real as Personal.

And if any such Person so Convicted or Attainted, shall not have, or be worth of his proper Goods and Chattels to the value of Twenty Pounds at the time of such his Conviction or Attainder, that then every such person so Convicted and Attainted, over and besides the forfeiture of all his said Goods and Chattels, shall have and suffer Imprisonment by the space of one whole Year without Bail or Mainprize.

And that also all and every the Benefices, Prebends, and other Ecclesiastical Promotions and Dignities whatsoever, of every spiritual Person so offending, and being attainted, shall immediately after such Attainder be utterly void to all intents and purposes, as though the Incumbent

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thereof were dead, and that the Patron and Donor of every such Benefice, Prebend, Spiritual Promotion and Dignity, shall and may lawfully present unto the same, or give the same in such manner and form as if the said Incumbent were dead; and if any such Offender or Offenders, after such Conviction or Attainder, so oftsoons commit or do the said Offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid, that then every such Offender and Offenders shall for the same second Offence incur into the dangers, penalties and forfeitures ordained and provided by the Statute of Provision and *Premunire*, made in the Sixteenth Year of the Reign of King *Richard II.*

And if any such Offender or Offenders, at any time after the second Conviction and Attainder do the third time commit and do the said Offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid, that then every such Offence or Offences shall be deemed and adjudged High Treason, and that the Offender or Offenders therein, being thereof lawfully convicted and attainted, according to the Laws of this Realm shall suffer pains of Death, and other penalties, forfeitures and losses as in Cases of High Treason by the Laws of this Realm.

And also that it may likewise please your Highness that it may be Enacted by the Authority aforesaid, That no manner of person or persons shall be molested or impeached for any of the Offences aforesaid committed or perpetrated only by Preaching, Teaching, or Words, unless he or they be thereof lawfully Indicted within the space of one ha



## Relating to High Treason. 29

Year next after his or their Offences so committed : And in case any Person or Persons shall fortune to be imprisoned for any of the said Offences committed by Preaching, Teaching, or Words only, and be not thereof Indicted within the space of one half Year next after his or their such Offence so committed and done, that when the said Person so imprisoned shall be set at liberty, and be no longer detained in Prison for any such Cause or Offence.

And if it happen that any Peer of this Realm shall fortune to be Indicted of and for any Offence that is revived or made *Premunire* or Treason by this Act, that then he so being Indicted shall have his Trial by his Peers, in such like manner and form as in other cases of Treason hath been used.

And be it further Enacted by the Authority aforesaid, That no Person or Persons shall be hereafter Indicted or Arraigned for any of the Offences made, ordained, revived or adjudged by this Act, unless there be Two sufficient Witnesses or more to testify and declare the said Offences whereof he shall be Indicted or Arraigned ; and that the said Witnesses, or so many of them as shall be living and within this Realm at the time of the Arraignment of such Person so Indicted, shall be brought forth in Person face to face before the Party so Arraigned, and there shall testify and declare what they can say against the Party so Arraigned, if he require the same.

Provided also, and be it further Enacted by the Authority aforesaid, That if any Person or Persons shall hereafter happen to give any relief, aid, or comfort, or in any wise be aiding, helping

ing or comforting to the Person or Persons of any that shall hereafter happen to be an Offender in any matter or case of *Præmunire* or Treason revived or made by this Act, that then such relief, aid or comfort given shall not be judged or taken to be any Offence, unless there be Two sufficient Witnesses at the least that can and will openly testify and declare that the Person or Persons that so gave such relief, aid, or comfort had notice and knowledge of such Offence committed and done by the said Offender at the time of such relief, aid, or comfort so to him given or ministred; Any thing in this Act contained, or any other matter or cause to the contrary in any wise notwithstanding.

## 5 Eliz. Cap. I.

*An Act for the Assurance of the Queens Royal Power over all Estates and Subjects within her Dominions.*

**F**OR Preservation of the Queens most Excellent Highness, Her Heirs and Successors, and the Dignity of the Imperial Crown of this Realm of *England*, and for Avoiding both of such hurts, perils, dishonours and inconveniences as have before time befallen, as well to the Queens Majesties noble Progenitors, Kings of this Realm, as for the whole Estate thereof, by means of the Jurisdiction and Power of the See of *Rome*, unjustly claimed and usurped within this Realm, and the Dominions thereof, and also of the danger



## Relating to High Treason. 31

the Fautors of the said usurped Power, at this time grown to marvellous Outrage and wanton Boldness, and now requiring more sharp restraint, and correction of Laws, than hitherto in the time of the Queens Majesties most mild and merciful Reign have been had, will be so ordered or established.

Be it therefore Enacted, Ordained and Established by the Queen our Sovereign Lady, and the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons dwelling, inhabiting, or resident within this Realm, or within any other the Queens Dominions, Seigniories or Countries, or the Marches of the same, or elsewhere within or under her Obeisance and Power, of what Estate, Dignity, Preeminence, Order, Degree or Condition soever he or they be, after the first day of *April*, which shall be in the Year of our Lord God, One thousand five hundred sixty three, shall by Writing, Cyphering, Printing, preaching or Teaching, Deed or Act, advisedly and wittingly hold, or stand with, to extol, set forth, maintain or defend the Authority, Jurisdiction or Power of the Bishop of *Rome*, or of his See, heretofore claimed, used or usurped within this Realm, or in any Dominion or Country, being of, within, or under the Queens Power or Obeisance, or by any Speech, open Deed or Act advisedly and wittingly attribute any such manner of Jurisdiction, Authority or Preeminence to the said See of *Rome*, or to any Bishop of the same See for the time being within this Realm, or in any the Queens Domi-

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nions or Countries, that then every such person or persons so doing or offending, their Abettors, Procurers and Counsellors, and all their Aiders, Assistants and Comforters, upon purpose, and to the intent to set forth, further and extol the said usurped Power, Authority or Jurisdiction of any of the said Bishop or Bishops of *Rome*, and every of them, being there lawfully indicted or presented within one Year next after such Offences by him or them committed, and being lawfully convicted or attainted at any time after, according to the Laws of this Realm, for every such Default and Offence shall incur into the dangers, penalties, pains and forfeitures ordained and provided by the Statute of Provision and *Præmunire*, made in the Sixteenth Year of the Reign of King *Richard the Second*.

And it is also Enacted by the Authority aforesaid, That as well Justices of Assize in their Circuits, as Justices of Peace within the limits of their Commission and Authorities, or Two of every such Justices of Peace at the least, whereof one to be of the *Quorum*, shall have full Power and Authority, by Virtue of this Act, in the Quarter or Open Sessions, to enquire of all Offences, Contempts and Transgressions perpetrated, committed or done contrary to the true meaning of the premisses, in like manner and form as they may of other Offences against the Queens Peace and shall certifie every Presentment afore them or any of them, had or made concerning the same, or any part thereof, before the Queen, her Heirs and Successors, in her or their Court commonly called the Kings Bench, within For

Days next after any such Presentment had or made, if the Term be then open, and if not, at the first Day of the full Term next following the said Forty Days, upon pain that every of the Justices of Assize, or Justices of the Peace, before whom such Presentment shall be made, making default of such Certificate contrary to this Statute, to lose and forfeit for every such default One hundred Pounds to the Queens Highness, her Heirs and Successors.

And it is Enacted by the Authority aforesaid, That the Justices of the Kings Bench, as well upon every such Certificate as by enquiry before themselves within the limits of their Authorities, shall have full Power and Authority to hear, order and determine every such Offence done or committed contrary to the true meaning of this present Act, according to the Laws of this Realm, in such like manner and form to all Intents and Purposes, as if the Person or Persons against whom any Presentment shall be had upon this Estatute, had been presented upon any matter or offence expressed in the said Estatute made in the said Sixteenth Year of King Richard the Second.

And moreover be it Enacted by the Authority aforesaid, That as well all manner of Persons expressed and appointed in and by the Act made in the First Year of the Queens Majesties Reign that now is, Intituled, *An Act restoring to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all Foreign Powers repugnant to the same*, to take the Oath expressed and set forth in the same, as all other Persons which have taken, or shall take Orders, com-

monly called *Ordines sacros*, or Ecclesiastical Orders have been, or shall be promoted, preferred or admitted to any Degree of Learning in any University within this Realm, or Dominions to the same belonging, and all Schoolmasters, and publick and private Teachers of Children, as also all manner of Person and Persons that have taken, or hereafter shall take any Degree of Learning, in or at the Common Laws of this Realm, as well Utter-Barristers, as Benchers, Readers, Ancients in any House or Houses of Court, and all Principal Treasurers, and such as be of the Grand Company in every Inn of Chancery, and all Attornies, Prothonotaries, and Philizers towards the Laws of this Realm, and all manner of Sheriffs, Escheators and Feodaries, and all other Person and Persons which have taken, or shall take upon him or them, or have been, or shall be admitted to any Ministry or Office in, at, or belonging to the Common Law, or any other Law or Laws, or to or for the execution of them, or any of them, used or allowed, or at any time hereafter to be used or allowed within this Realm, or any of the Dominions or Countries belonging, or which hereafter shall happen to belong to the Crown or Dignity of the same, and all other Officers or Ministers or towards any Court whatsoever, and every of them, shall take and pronounce a Corporal Oath upon the Evangelists, before he or they shall be admitted, allowed or suffered to take upon him or them to use, exercise, supply or occupy any such Vocation, Office, Degree, Ministry, Room or Service, as is aforesaid, and that in the open Court whereunto he doth or shall serve or be long

ong; and if he or they do not, or shall not  
 erve or belong to any Ordinary or open Court,  
 hen he or they shall take and pronounce the  
 Oath aforesaid in an open place before a conve-  
 nient Assembly to witness the same, and before  
 such Person or Persons as have, or shall have  
 Authority, by common use or otherwise, to ad-  
 mit or call any such person or persons, as is a-  
 foresaid, to any such Vocation, Office, Ministry,  
 Room or Service, or else before such person or  
 persons as by the Queens Highness, her Heirs or  
 Successors, by Commission under the Great Seal of  
 England, shall be named or assigned to accept and  
 take the same, according to the tenor, effect and  
 form of the same Oath *verbatim*, which is, and  
 as it is already set forth to be taken in the afore-  
 said Act made in the First Year of the Queens  
 Majesties Reign.

And also be it Enacted by the Authority of  
 this present Parliament, That every Archbishop  
 and Bishop within this Realm, and Dominions  
 of the same, shall have full Power and Authori-  
 ty, by virtue of this Act, to tender or minister the  
 Oath aforesaid to every or any Spiritual or Ecclesi-  
 astical person within their proper Dioceses, as well  
 in places and Jurisdictions exempt, as elsewhere.

And be it Enacted by the Authority aforesaid,  
 That the Lord Chancellor, or Keeper of the Great  
 Seal of England for the time being, shall and  
 may at all times hereafter, by virtue of this Act,  
 without further Warrant, make and direct a  
 Commission or Commissions under the Great  
 Seal of England to any person or persons, gi-  
 ving them, or some of them, thereby Autho-  
 rity to tender and minister the Oath aforesaid



to such person or persons as by the aforesaid Commission or Commissions the said Commissioners shall be authorized to tender the same Oath unto.

And be it also further Enacted by the Authority of this present Parliament, That if any person or persons appointed or compellable by this Act, or by the said Act made in the said First Year, to take the said Oath, or if any person or persons to whom the said Oath by any such Commission or Commissions shall be limited and appointed to be tendred, as is aforesaid, do, or shall, at the time of the said Oath so tendred, refuse to take or pronounce the said Oath in manner and form aforesaid, that then the Party so refusing, and being thereof lawfully Indicted or Presented within one Year next after any such refusal and Convicted or Attainted at any time after according to the Laws of this Realm, shall suffer and incur the Dangers, Penalties, Pains and Forfeitures ordained and provided by the Statute of Provision and *Premunire* aforesaid, made in the Sixteenth Year of the Reign of King Richard the Second.

And furthermore be it Enacted by the Authority aforesaid, That all and every such person and persons, having Authority to tender the Oath aforesaid, shall within Forty Days next after such refusal or refusals of the said Oath, if the Term be then open, and if not, then at the first day of the full Term then next following the said Forty Days, make true Certificate, under his or their Seal or Seals, of the Names, Places and Degrees of the person or persons so refusing the said Oath, before the Queen, her Heirs or Successors.

in her or their Court commonly called the Kings-Bench, upon pain that every of the said persons, having such Authority to tender the said Oath, making default of such Certificate, shall for every such default forfeit an hundred pounds to the Queens Highness, her Heirs or Successors; and that the Sheriff of the County where the said Court, commonly called the Kings Bench, shall for the time be holden, shall or may, by virtue of this Act, impanel a Jury of the same County, to enquire of and upon every such refusal and refusals; which Jury shall or may upon every such Certificate, and other Evidence to them in that behalf to be given by virtue of this Act, proceed to indict the person and persons so offending in such sort and degree, to all intents and purposes, as the same Jury may do of any Offence or Offences against the Queens Majesties Peace, perpetrated, committed or done within the same County, of and for which the same Jury is so impanelled.

And for stronger Defence and Maintenance of this Act, it is further Ordained, Enacted and Established by the Authority aforesaid, That if any such Offender or Offenders, as is aforesaid, of the first part or branch of this Estatute, that is to say, by Writing, Cyphering, Printing, Preaching or Teaching, Deed or Act, advisedly and wittingly hold or stand with, to extol, set forth, maintain or defend the Authority, Jurisdiction or Power of the Bishop of *Rome*, or of his See, heretofore claimed, used or usurped within this Realm, or in any Dominion or Country, being of, within, or under the Queens Power or Obeisance, or by any Speech, Deed or Act, advisedly and wittingly attribute

attribute any such manner of Jurisdiction, Authority or Preeminence to the said See of *Rome*, or to any Bishop of the same See for the time being, within this Realm, or in any the Queens Dominions or Countries, or be to any such Offender or Offenders abetting, procuring, or counselling, or aiding, assisting or comforting, upon purpose, and to the intent to set forth, further and extol the said usurped Power, Authority or Jurisdiction, after such Conviction and Attainder, as is aforesaid, do afterwards commit or do the said Offences, or any of them, in manner and form aforesaid, and be thereof duly convicted or attainted, as is aforesaid.

And also, That if any the Persons abovenamed and appointed by this Act to take the Oath aforesaid, do after the space of three months next after the first tender thereof, the second time refuse to take or pronounce, or do not take or pronounce the same in form aforesaid to be tendred, That then every such Offender and Offenders for the same second Offence and Offences, shall forfeit, lose, and suffer such like and the same Pains, Forfeitures, Judgment and Execution, as is used in Cases of High Treason.

Provided always, That this Act, nor any thing therein contained, nor any Attainder to be had by Force and Virtue of this Act, shall not extend to make any Corruption of Blood, the Disheriting of any Heir, Forfeiture of Dower, nor to the Prejudice of the Right or Title of any Person or Persons, other than the Right or Title of the Offender or Offenders, during his, her or their Natural Lives only.

And

And that it shall and may be Lawful to every Person and Persons, to whom the Right or Interest of any Lands, Tenements, or Hereditaments, after the Death of any such Offender or Offenders, should or might have appertained, if no such Attainder had been, to enter into the same, without any *Ouster le main* to be sued, in such sort as he or they might have done if this Act had never been had ne made.

Provided also, That the Oath expressed in the said Act made in the said First year, shall be taken and expounded in such form as is set forth in an Admonition annexed to the Queens Majesties Injunctions, published in the First year of her Majesties Reign, That is to say, to confess and acknowledge in her Majesty, her Heirs and Successors, none other Authority than that was challenged and lately used by the Noble King *Henry* the Eighth, and King *Edward* the Sixth; as in the said Admonition more plainly may appear.

And be it Enacted by the Authority aforesaid, That this Act shall be openly read and published, and declared at every Quarter Sessions by the Clerk of the Peace, and at every Leet and Law-day by the Steward of the Court, and once in every Term in the open Hall of every House and Houses of Court and Chancery, at the times, and by the Persons thereunto to be limited and appointed by the Lord Chancellor or Keeper of the Great Seal for the time being.

And be it further Enacted, That every Person which hereafter shall be Elected or Appointed a Knight, Citizen or Burgess, or Baron for any of the five Ports, for any Parliament or Parliaments hereafter to be holden, shall from henceforth be-  
fore

fore he shall enter into the Parliament-House, or have any Voice there, openly receive and pronounce the said Oath before the Lord Steward for the time being, or his Deputy or Deputies for that time to be appointed; and that he which shall enter into the Parliament-House, without taking the said Oath, shall be deemed no Knight, Citizen, Burgess, nor Baron for that Parliament, nor shall have any Voice, but shall be to all Intents, Constructions and Purposes, as if he had never been Returned nor Elected Knight, Citizen, Burgess, or Baron for that Parliament, and shall suffer such Pains and Penalties, as if he had presumed to sit in the same without Election, Return or Authority.

Provided alway, That forasmuch as the Queens Majesty is otherwise sufficiently assured of the Faith and Loyalty of the Temporal Lords of Her High Court of Parliament, therefore this Act nor any thing therein contained, shall not extend to compel any Temporal Person of or above the Degree of a Baron of this Realm, to take or pronounce the Oath aforesaid, nor to incur any Penalty limited by this Act for not taking, or refusing the same; Any thing in this Act to the contrary in any wise notwithstanding.

Provided, and be it Enacted by the Authority aforesaid, That Charitable giving of reasonable Alms to any of the Offender or Offenders above specified, without Fraud or Covin, shall not be taken or interpreted to be any such Abetment, Procuring, Counselling, Aiding, Assisting or Comforting, as thereby the Giver of such Alms shall incur any Pain, Penalty or Forfeiture appointed in this Act.

Provided



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Provided also, and be it Enacted by the Authority of this present Parliament, That if any Peer of this Realm shall hereafter offend contrary to this Act, or any Branch or Article thereof, that in that and all such case and cases they shall be tried by their Peers, in such manner and form as in other cases of Treasons they have used to be tried, and by none other means.

Provided also further, and be it Enacted, That no person shall be compelled by virtue of this Act to take the Oath above-mentioned, at or upon the second time of offering the same, according to the Form appointed by this Statute, except the same person hath been, is, or shall be an Ecclesiastical person, that had, hath, or shall have, in the time of one of the Reigns of the Queens Majesties most Noble Father, Brother or Sister, or in the time of the Reign of the Queens Majesty, her Heirs or Successors, Charge, Cure or Office in the Church, or such person or persons as had, hath or hereafter shall have any Office or Ministry in any Ecclesiastical Court of this Realm, under any Archbishop or Bishop in any the Times or Reigns aforesaid, or such person or persons as shall wilfully refuse to observe the Orders and Rites for Divine Service, that be Authorized to be used and observed in the Church of *England*, after that he or they shall be publicly by the Ordinary, or some of his Officers for Ecclesiastical Causes, admonished to keep and observe the same, or such as shall openly and advisedly deprave by Words, Writings, or any other open Fact, any of the Rites and Ceremonies at any time used and authorized to be used in the Church of *England*, or that shall say, or hear the private Mass prohibited by the Laws of

of this Realm, and that all such persons shall be compellable to take the Oath upon the second Tender or Offer of the same, and incur the Penalties for not taking of the said Oath, and none other.

Saving always the due Execution of all and every person and persons attainted, or to be attainted for any Offence whereupon Judgment of Death now is, or ought to be, or hereafter may lawfully be given, by the reason of this Statute, or otherwise: And saving always all and every such pains of Death, or other hurt or punishment as heretofore might, without danger of Law, be done upon any person or persons that shall send or bring into this Realm, or any other the Queen's Dominions, or within the same shall execute any Summons, Sentence, Excommunication, or other Process against any person or persons from the Bishop of *Rome*, for the time being, or by or from the See of *Rome*, or the Authority or Jurisdiction of the same See.

Provided always, and be it Enacted by the Authority aforesaid, That no person or persons shall hereafter be indicted for Assisting, Aiding, Maintaining, Comforting, or Abetting of any person or persons for any the said Offences, in extolling, setting forth or defending of the Usurped Power and Authority of the Bishop of *Rome*, unless he or they be thereof lawfully accused by such good and sufficient Testimony or Proof, as by the Jury by whom he shall so be indicted, shall be thought good, lawful and sufficient, to prove him or them guilty of the said Offences.

5 Eliz. Cap. 11.

*An Act against the Clipping, Washing, Rounding and Filing of Coins.*

Whereas the Offences of Clipping, Rounding, Washing and Filing of Money or Coins in this Realm, was declared by an Act of Parliament in the time of King *Henry* the Fifth, to be Treason to the King and the Realm, and according to the said Act, the same Offences were and should continue Treason, until the First Year of the reign of Queen *Mary*, at which time the pains and penalties due for the said Offences were abrogated and taken away by the General Act of Repeal then made; by reason whereof divers false and evil-disposed persons perceiving themselves to be loose, and free from the severity and danger of the said Law and Penalty, have been of late the more hardy and bold to attempt and practise, for filthy lucre and gains sake, to diminish, impair and falsifie the Monies and Coins current within this Realm, and the Dominions of the same, by such Clipping, Washing, Rounding and Filing thereof, not only to the great dishonour of the Queens Majesty our Sovereign Lady that now is, but also whose great goodness the new Monies or Coins of the same, are now reduced to as much fineness as ever hath been in any time of her noble Progenitors, but also to the great loss and damage of the good Subjects of this Realm, and more is like to be hereafter, if the same be not speedily met withal: For Remedy whereof, Be it Enacted, Declared,

clared, and Established by the Authority of the present Parliament, That from and after the First Day of *May* next coming, Clipping, Washing, Rounding or Filing, for wicked lucre or gain sake, of any the proper Monies or Coins of the Realm, or of the Dominions thereof, or of the Monies or Coins of any other Realm allowed and suffered to be current within this Realm, or the Dominions thereof at this present, or that hereafter at any time shall be the Lawful Monies or Coins of this Realm, or of the Dominions thereof, or of any other Realm, and by Proclamation allowed and suffered to be current here by the Queens Majesty, Her Heirs or Successors, shall be taken, deemed and adjudged, by virtue of the Act, to be Treason, and the Offenders therein, the Counsellors, Consenters and Aiders, shall be, from and after the same First Day of *May*, taken, deemed and adjudged as Offenders in Treason, and being thereof lawfully convicted or attainted, according to the due Order and Course of the Law of this Realm, shall suffer pains of Death, and lose and forfeit all his and their Goods and Chattels, and shall also lose and forfeit all his and their Lands and Tenements, during his and their Natural Life or Lives only.

And be it further Enacted by the Authority aforesaid, That all and every person and persons which have any lawful Grant to have and enjoy the Forfeiture of Lands, Tenements, Goods or Chattels of Offenders, and Men attainted in High Treason, within any Manor, Lordship, Town or Parish, Hundred, or other Precinct within the Realm of *England* or *Wales*, shall and may at all times hereafter, have like liberty to take, seize and enjoy

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by all such Forfeitures of Lands, Tenements, Goods and Chattels, as shall come or grow with their Liberties by force of the Attainder of any person or persons, for and upon any Offence or Offences made Treason by this Act, as they or any of them should, ought or might have by virtue of any good and lawful Grant to them or any of them heretofore had or made.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, nor any thing therein contained, nor any Attainder or Attainders of any person or persons for any Offence or Offences made Treason by this Act, shall in any wise extend, or be judged, interpreted or expounded to make any Corruption of Blood to any the Heir or the Heirs of any such Offender or Offenders, to make the Wife of any such Offender to lose her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or Interest in the same; Any thing in this Act contained, or any Attainder or Attainders hereafter to be had for any Offence or Offences made Treason by this Act, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any of the Lords of the Parliament, or Peer of this Realm for the time being, shall fortune at any time hereafter to be indicted for any Offence made Treason by this Act, that then they and every of them shall have his or their Trial by their Peers, as hath been used heretofore in Cases of High Treason.



## 13 Eliz. Cap. 2.

*An Act against the bringing in and putting  
Execution of Bulls, Writings or Instruments  
and other Superstitious things from the  
of Rome.*

**W**HERE in the Parliament holden at Westminster, in the Fifth Year of the Reign of Our Sovereign Lady the Queens Majesty that now is, by one Act and Statute then and there made, Intituled, *An Act for the Assurance of the Queens Majesties Royal Power over all States and Subjects within her Highness Dominions*, It is among other things very well Ordained and Provided, for the abolishing of the usurped Power and Jurisdiction of the Bishop of Rome, and of the See of Rome heretofore unlawfully claimed and usurped within this Realm, and other the Dominions to the Queens Majesty belonging, That no person or persons shall hold or stand with, to Set forth, Maintain, Defend or Extol the same usurped Power, or attribute any manner of Jurisdiction, Authority or Preeminence to the same, to which had or used within this Realm, or any of the said Dominions, upon pain to incur the Danger, Penalties and Forfeitures, ordained and provided by the Statute of Provision and *Premunire* made in the Sixteenth year of the Reign of King Richard the Second, as by the same Act more largely it doth and may appear; and yet nevertheless, divers Seditious and very evil-disposed People, without respect of their Duty to Almighty

God, or of the Faith and Allegiance which they ought to bear and have to our said Sovereign Lady the Queen, and without all fear and regard had to the said good Law and Statute, or the pains therein limited, but minding, as it would seem, very Seditiously and Unnaturally, not only to bring this Realm and the imperial Crown thereof (being in very Deed of it self most free) into the Thralldom and Subjection of that Foreign Usurped and Unlawful Jurisdiction, preeminence and Authority claimed by the said Pope of *Rome*, but also to Estrange and Alienate the Minds and Hearts of sundry Her Majesties Subjects from their dutiful Obedience, and to raise and stir Sedition and Rebellion within this Realm, to the Disturbance of the most happy Peace thereof, have lately procured and obtained themselves from the said Bishop of *Rome*, and his said See, divers Bulls and Writings, the Effect whereof hath been, and is to Absolve and reconcile all those that will be contented to forsake their due Obedience to our most Gracious Sovereign Lady the Queens Majesty, and to yield and subject themselves to the said feigned unlawful and usurped Authority; and by Colour of the said Bulls and Writings, the said wicked persons very secretly and most seditiously, in such parts of this Realm, where the people for want of good instruction, are most Weak, Simple and ignorant, and thereby farthest from the good understanding of their Duties towards God and the Queens Majesty, have by their lewd and subversive Practices and Perswasions so far forth wrought, that sundry simple and ignorant Persons have been contented to be reconciled to the said usurped

ped Authority of the See of *Rome*, and to the Absolution at the hands of the said naughty and subtil Practicers, whereby hath grown great disobedience and Boldness in many, not only withdraw and absent themselves from all Divine Service, now most godly set forth and used within this Realm, but also have thought themselves discharged of and from all Obedience, Duty and Allegiance to her Majesty, whereof most wicked and unnatural Rebellion hath ensued, and to the further danger of this Realm hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not the severity of Laws restrained and bridled :

For remedy and redress whereof, and to prevent the great Mischiefs and Inconveniences thereby may ensue, Be it Enacted by the Queen most Excellent Majesty, with the Assent of her Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That if any person or persons, after the First day of *July* next coming shall use or put in ure, in any place within this Realm, or in any the Queens Dominions, any such Bull, Writing or Instrument, Written or Printed, of Absolution or Reconciliation, at any time heretofore obtained and gotten, or at any time hereafter to be obtained or gotten from the said Bishop of *Rome*, or any his Successors, from any other person or persons Authorized, claiming Authority by or from the said Bishop of *Rome*, his Predecessors or Successors, or See of *Rome* ; or if any person or persons, after the First day of *July*, shall take upon him or them, the colour of any such Bull, Writing, Instrument

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Authority, to Absolve or Reconcile any person or persons, or to grant or promise to any person or persons within this Realm, or any other the Queens Majesties Dominions, any such Absolution or Reconciliation, by any Speech, Preaching, Teaching, Writing, or any other open Deed; if any person or persons, within this Realm, any the Queens Dominions, after the said first Day of *July*, shall willingly receive and take any such Absolution or Reconciliation:

Or else if any person or persons have obtained, gotten, since the last day of the Parliament holden in the First Year of the Queens Majesties reign, or after the said First day of *July*, shall obtain or get from the said Bishop of *Rome*, or any his Successors, or See of *Rome*, any manner of Bull, Writing or Instrument, Written or Printed, containing any thing, matter or cause whatsoever, or shall publish, or by any ways or means put in ure any such Bull, Writing or Instrument, That then all and every such Act and Acts, Offence and Offences, shall be deemed and judged, by the Authority of this Act, to be High Treason, and the Offender and Offenders therein, their Procurers, Abettors and Counsellors to the Fact, and committing of the same Offence or Offences, shall be deemed and adjudged High Traytors to the Queen and the Realm; and being thereof lawfully Indicted and Attainted, according to the course of the Laws of this Realm, shall suffer pains of Death, and also lose and forfeit all their Lands, Tenements, Hereditaments, Goods and Chattels, as in Cases of High Treason, by the Laws of this Realm, ought to be lost and forfeited.

Provided always, and be it further Enacted by the Authority aforesaid, That if any person or persons, to whom any such Absolution, Recompensation, Bull, Writing or Instrument, as aforesaid, shall after the said First day of June be offered, moved or perswaded to be used, put in ure or executed, shall conceal the same Offer, Motion or perswasion, and not disclose and signifie the same, by Writing or otherwise, within six Weeks then next following, to some of the Queens Majesties Privy Council, or else to the President, or Vice-President, of the Queens Majesties Council, established in the North part or in the Marches of *Wales* for the time being, that then the same person or persons, so concealing, and not disclosing, or not signifying the said Offer, Motion or Perswasion, shall incur the Loss, Danger, Penalty and Forfeiture of Misprision of High Treason.

And that no person or persons shall at any time hereafter be Impeached, Molested or Troubled, or for Misprision of Treason, for any Offence or Offences made Treason by this Act, other than such as by this Act are before declared to be, in the Case of Misprision of High Treason.

Provided also, and be it further Enacted by the Authority aforesaid, That if any Nobleman being a Peer of this Realm, shall at any time hereafter happen to be Indicted, for any the Offence or Offences aforesaid, That then every such Nobleman and Peer of this Realm, shall have Trial by his Peers, as in Cases of High Treason and Misprision of Treason, hath heretofore been accustomed or used.



## Relating to High Treason. 51

Saving to all and every person and persons, Bodies Politick and Corporate, their Heirs and Successors, and the Heirs and Successors of every of them, other than the said Offenders and their Heirs, claiming only as Heir or Heirs to any such Offenders, and such person and persons as claim any their Uses, all such Rights, Titles, Interests, Possessions, Leases, Rents, Reversions, Remainders, Offices, Fees, and all other Profits, Commodities and Hereditaments, as they or any of them shall have at the day of the committing of such Offence or Offences, or any time before, in as large and ample manner, to all intents and purposes, as if this Act had never been had nor made; Any thing herein contained to the contrary thereof notwithstanding.

### 14 Eliz. Cap. 3.

*An Act against the Forging and Counterfeiting of Foreign Coin, being not current within this Realm.*

INASMUCH as by the Laws or Statutes of this Realm, small or no condign Punishment at this time provided for such evil-disposed persons as shall Counterfeit or Forge such kind of Gold or Silver of other Realms, as is not the proper Coin of this Realm, nor current in Payment within this Realm; by reason whereof divers evil-disposed persons, as well without this Realm as within, are Encouraged and Emboldened daily to Counterfeit or Forge such kind of Gold and Silver, and Utter the same in this

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Realm,

Realm, in great deceit of Her Majesties Subjects, Be it Enacted by our said Sovereign Lady Queen, the Lords Spiritual and Temporal, the Commons in this present Parliament Asssembled, and by the Authority of the same, That any person or persons hereafter falsely Forge or Counterfeit any such kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, nor permitted to be current within this Realm, that then every such Offence shall be deemed and adjudged Misprision of High Treason, and the offenders therein, their Procurers, Aiders, and Abettors, being Convicted, according to the Law of this Realm, of such Offences, shall be imprisoned, and forfeit such Lands, Goods and Chattels as in Cases of Misprision of Treason for Contumement of High Treason.

### 18 Eliz. Cap. 1.

*An Act against the Diminishing and Impairing of the Queens Majesties Coin, and other Coins current within this Realm.*

**W**Hereas the Offences of Clipping, Rounding, Washing, and Filing, for wicked Lucrative gains sake, of any the proper Monies or Coins of this Realm or the Dominions thereof, or of any Monies or Coins of any other Realm, allowed by Proclamation, and suffered to be current within this Realm, or the Dominions thereof, by a Statute made in the Fifth Year of the Queens Majestys Reign, are taken, deemed, and adjudged High Treason, and the Offenders therein, their Coun-

## Relating to High Treason. 53

, Consenters, and Aiders, likewise deemed and  
judged as Offenders in Treason, and being thereof  
fully Convicted or Attainted, according to the  
order and course of the Laws of this Realm,  
to suffer pains of Death, and to lose and for-  
feiture all his and their Goods and Chattels, and also  
his and their Lands and Tenements, during  
and their natural Life or Lives only, as by  
said Estatute thereof made, among other  
things therein contained, more at large it doth  
may appear : Sithence the making of which  
said Law and Statute, divers false and evil-  
disposed persons, knowing that the said Law,  
being, as it is, Penal, ought to be taken and ex-  
tended strictly according to the words thereof,  
and the like Offences, not by any equity to receive  
punishment or pains, have sithence the ma-  
king of the said Law and Statute, most wickedly  
perverted and practised, for wicked lucre and  
gain sake, other acts, undue ways and means,  
Falsifie, Impair, Diminish, and Lighten, as  
all the proper Monies and Coins of this Realm,  
and the Dominions thereof, as also the Monies or  
Coins of other Realms, allowed and suffered to be  
current within this Realm, and the Dominions  
thereof, by her Majesties Proclamation, to the great  
damage, loss, hurt and deceit, as well of her Majesty,  
as of all her faithful and loving Subjects, and more  
like hereafter to be practised and done, if the  
same be not speedily met withal : For Reformati-  
on and Remedy whereof, be it Enacted, Declared,  
and Established by Authority of this present Par-  
liament, That if any person or persons, of what  
estate, Degree, or Condition soever he or they  
shall from and after the First Day of *April*

## 14 A Collection of the Statutes

next coming, for wicked lucre or gains sake, by any art, ways, or means whatsoever, impair, diminish, falsifie, scale, or lighten the proper Monies or Coins of this Realm, or any the Dominions thereof, or the Monies or Coins of any other Realms, allowed and suffered to be current at the time of the Offence committed within this Realm of *England*, or any the Dominions of the same, by the Proclamation of the Queens Majesty, her Heirs or Successors, shall be taken, adjudged, and deemed to be Treason, and the Offenders therein, their Counsellors, Consenters, and Aiders, shall likewise deemed and adjudged as Offenders in Treason, and being thereof lawfully Convicted or Attainted, according to the due Order of the Laws of this Realm, shall suffer pains of Death and lose and forfeit all their Goods and Chattels to the Queens Majesty, her Heirs and Successors, and shall also lose and forfeit to the Queen's Highness, her Heirs and Successors, all the Lands, Tenements, and Hereditaments, during his or their natural Life or Lives only.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, nor any Attainder or Attainders of any person or persons for any Offence or Offences made Treason by this Act, shall in anywise extend, or be judged, interpreted, or expounded to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower, or of or in any Lands, Tenements, or Hereditaments, or her Title, Action, or Interest to the same; Any thing in this Act contained, or any Attainder or Attainders

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## Relating to High Treason. 55

hereafter to be had for any Offence or Offences made Treason by this Act, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any the Lords of the Parliament, or Peer of this Realm for the time being, shall fortune at any time hereafter to be Indicted for any Offence made Treason by this Act, that then they and every of them shall have his or their Trial by their Peers, as hath been used heretofore in Cases of High Treason.

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### 23 Eliz. Cap. 1.

*An Act to retain the Queens Majesties Subjects in their due Obedience.*

**W**Here sithence the Statute made in the Thirteenth Year of the Reign of the Queen our Sovereign Lady, Intituled, *An Act against the bringing in, and putting in Execution of Bulls, Writings, and Instruments, and other Superstitious Things from the See of Rome*, divers evil-affected persons have practised, contrary to the meaning of the said Statute, by other means than by Bulls, or Instruments, Written or Printed, to withdraw divers the Queens Majesties Subjects from their natural Obedience to her Majesty, to Obey the said usurped Authority of Rome, and in respect of the same, to perswade great numbers to withdraw their due Obedience from her Majesties Laws, Established for the due Service of Almighty God: For Reformation whereof, and to Declare the true meaning of the said Law, be



## 56 A Collection of the Statutes

it Declared and Enacted by the Authority of this present Parliament, That all persons whatsoever, which have or shall have, or shall pretend to have power, or shall by any ways or means put in practice to absolve, perswade, or withdraw any of the Queens Majesties Subjects, or any within her Highness Realms and Dominions, from their natural Obedience to her Majesty, or to withdraw them for that intent from the Religion now by her Highness Authority Established within her Highness Dominions, to the *Romish* Religion, or to move them, or any of them, to promise any Obedience to any pretended Authority of the See of *Rome*, or of any other Prince, State, or Potentate, to be had or used within her Dominions, or shall do any Overt Act to that intent or purpose, and every of them, shall be to all intents adjudged to be Traytors, and being thereof lawfully Convicted, shall have Judgment, suffer and forfeit as in case of High Treason. And if any person shall, after the end of this Session of Parliament, by any means be wittingly absolved or withdraw, as aforesaid, or willingly be Reconciled, or shall promise any Obedience to any such pretended Authority, Prince, State, or Potentate, as is aforesaid, that then every such person, their Procurers and Counsellors thereunto, being thereof lawfully Convicted, shall be taken, tried, and judged, and shall suffer and forfeit as in cases of High Treason.

And be it likewise Enacted and Declared That all and every person and persons that shall wittingly be aiders or maintainers of such persons so Offending, as is above expressed, or

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## Relating to High Treason. 57

any of them, knowing the same, or which shall Conceal any Offence aforesaid, and shall not, within Twenty Days at the furthest, after such persons knowledge of such Offence, disclose the same to some Justice of Peace, or other Higher Officer, shall be taken, tried, and judged, and shall suffer and forfeit as Offenders in Misprision of Treason.

And be it likewise Enacted, That all and every Offences against this Act, or against the Acts of the First, Fifth, or Thirteenth Years of her Majesties Reign, touching acknowledging of her Majesties Supreme Government in Causes Ecclesiastical, or other Matters touching the Service of God, or coming to Church, or Establishment of true Religion in this Realm, shall and may be enquirable, as well before Justices of Peace, as other Justices named in the same Statutes, within One Year and a Day after every such Offence committed; Any thing in this Act, or in any other Act to the contrary notwithstanding.

Be it likewise Enacted, That Justices of Oyer and Terminer, and Justices of Assize, and of Goal-Delivery, in their severall Limits, shall have Power to Enquire, Hear, and Determine of all Offences against this Statute; and Justices of Peace in their Open Quarter-Sessions of Peace, shall have Power, by Virtue of this Act, to Enquire, Hear and Determine of all Offences against this Act (except Treason, and Misprision of Treason.)

And be it likewise Enacted and Declared, That every Grant, Conveyance, Bond, Judgment, and Execution, had or made since the beginning of this Session of Parliament, or hereafter to be had

or made of Covinous Purpose to defraud any Interest, Right or Title, that may or ought to grow to the Queen, or to any other Person, by means of any Conviction or Judgment by Virtue of this Statute, or of the said Statute of the said Thirteenth Year, shall be, and be adjudged to be utterly Void against the Queen, and against such as shall Sue for any part of the said Penalties in Form aforesaid.

Provided always, That if any Peer of this Realm shall happen to be Indicted of any Offence made Treason or Misprision of Treason by this Act, he shall have his Trial by his Peers, as in other like cases is accustomed.

Provided also, That neither this Act, nor any thing therein contained, shall extend to take away or abridge the Authority or Jurisdiction of the Ecclesiastical Censures, for any Cause or Matter, but that the Archbishops and Bishops, and other Ecclesiastical Judges, may do and proceed, as before the making of this Act they lawfully did or might have done; Any thing in this Act to the contrary notwithstanding.

## 27 Eliz. Cap. 2.

*An Act against Jesuits, Seminary Priests, and other such like disobedient Persons.*

**W**Hereas divers persons called or professed Jesuits, Seminary Priests, and other Priests, which have been, and from time to time are made in the parts beyond the Seas, by or according to the Order and Rites of the *Romish* Church, have of late Years comen and been sent, and daily do come and

and are sent into this Realm of *England*, and other the Queens Majesties Dominions, of purpose (as it hath appeared as well by sundry of their own Examinations and Confessions, as divers other manifest Means and Proofs) not only to withdraw her Highness Subjects from their due Obedience to her Majesty, but also to stir up and move Sedition, Rebellion, and Open Hostility within the same her Highness Realms and Dominions, to the great endangering of the Safety of her most Royal Person, and to the utter Ruin, Desolation and Overthrow of the whole Realm, if the same be not the sooner by some good means foreseen and prevented: Be it Enacted by the Authority aforesaid, That it shall not be lawful to or for any Jesuit, Seminary Priest, or other such Priest, Deacon, or Religious or Ecclesiastical Person whatsoever, being born within this Realm, or any other her Highness Dominions, and heretofore, since the said Feast of the Nativity of *St. John Baptist*, in the First Year of her Majesties Reign, made, ordained or professed, or hereafter to be made, ordained, or professed by any Authority or Jurisdiction derived, challenged or pretended from the See of *Rome*, by or of what Name, Title or Degree soever the same shall be called or known, to come into, be, or remain in any part of this Realm, or any other her Highness Dominions, after the end of the same forty days, other than in such special Cases, and upon such special Occasions only, and for such time only as is expressed in this Act, and if he do that, then every such Offence shall be taken and adjudged to be High Treason, and every person so offending shall for his Offence be adjudged a Traytor, and shall suffer, lose and forfeit as in Case of High Treason.

And be it further Enacted by the Authority aforesaid, If any of her Majesties Subjects (not being a Jesuit, Seminary Priest, or other such Priest, Deacon, or Religious or Ecclesiastical Person, as is before-mentioned) now being, or which hereafter shall be of, or brought up in any College of Jesuits, or Seminary already Erected or Ordained, or hereafter to be Erected or Ordained in the parts beyond the Seas, or out of this Realm, in any Foreign parts, shall not within six months next after Proclamation in that behalf to be made in the City of *London*, under the Great Seal of *England*, return into this Realm, and thereupon within two Days next after such return, before the Bishop of the Diocese, or two Justices of the Peace of the County where he shall arrive, submit himself to her Majesty, and her Laws, and take the Oath set forth by Act in the First Year of her Reign, That then every such person which shall otherwise return, come into, or be in this Realm, or any other her Highness Dominions, for such Offence of returning, or being in this Realm, or any other her Highness Dominions, without Submission, as aforesaid, shall also be adjudged a Traytor, and suffer, lose and forfeit as in Case of High Treason.

And be it also Enacted by the Authority aforesaid, That every Offence to be committed or done against the Tenor of this Act, shall and may be enquired of, heard and determined, as well in the Court commonly called the Kings Bench in the County where the same Court shall for the time be, as also in any other County within this Realm, or any other her Highness Dominions, where the Offence is or shall be committed, or

where



## Relating to High Treason. 61

where the Offender shall be apprehended and taken.

Provided also, That this Act, or any thing therein contained, shall not in any wise extend to any such Jesuit, Seminary Priest, or other such Priest, Deacon or Religious or Ecclesiastical Person, as is before-mentioned, as shall at any time, within the said forty days, or within three days after that he shall hereafter come into this Realm, or any other her Highness Dominions, submit himself to some Archbishop or Bishop of this Realm, or to some Justice of Peace within the County where he shall arrive or land, and do thereupon truly and sincerely, before the same Archbishop, Bishop, or such Justice of Peace, take the said Oath set forth in *Anno primo*, and by Writing under his hand confess and acknowledge, and from thenceforth continue his due Obedience unto her Highness Laws, Statutes and Ordinances made and provided, or to be made or provided in causes of Religion.

Provided always, if it happen at any time hereafter any Peer of this Realm to be indicted of any offence made Treason, Felony or *Premunire* by this Act, That he shall have his Trial by his Peers, as in other Cases of Treason, Felony or *Premunire* is accustomed.

And be it also Enacted, That all such Oaths, Bonds and Submissions, as shall be made by force of this Act, as aforesaid, shall be certified into the Chancery by such parties before whom the same shall be made, within three months after such Submission, upon pain to forfeit and lose for every such offence one hundred pounds of Lawful *English* Money, the said Forfeiture to be to the Queen, her Heirs and Successors.

And

And that if any person so submitting himself, as aforesaid, do at any time within the space of ten years after such Submission made, come within ten miles of such Place where her Majesty shall be, without especial Licence from her Majesty in that behalf to be obtained in writing under her Hand, that then and from thenceforth such person shall take no Benefit of his said Submission, but that the same Submission shall be void, as if the same had never been.

### 3 Jacobi I. Cap. 4.

*An Act for the better Discovering and Repressing of Popish Recusants.*

**A**N D further be it Enacted by the Authority aforesaid, That if any person or persons at any time after the said Tenth day of *June*, shall either upon the Seas, or beyond the Seas, or in any other place within the Dominions of the Kings Majesty, his Heirs or Successors, put in practice to absolve, perswade or withdraw any of the Subjects of the Kings Majesty, or of his Heirs and Successors of this Realm of *England*, from their natural Obedience to his Majesty, his Heirs or Successors, or to reconcile them to the Pope or See of *Rome*, or to move them, or any of them, to promise Obedience to any pretended Authority to the See of *Rome*, or to any other Prince, State or Potentate, That then every such person, their Procurers, Counsellors, Aiders and Maintainers, knowing the same, shall be to all intents adjudged Traytors, and being thereof lawfully convicted,

victed, shall have Judgment, suffer and forfeit as in Cases of High Treason.

And if any such person, as aforesaid, at any time after the said Tenth day of *June*, shall be, either upon the Seas, or beyond the Seas, or in any other place within the Dominions of the Kings Majesty, his Heirs or Successors, willingly absolved or withdrawn, as aforesaid, or willingly reconciled, or shall promise Obedience to any such pretended Authority, Prince, State or Potentate, as aforesaid, that every such person and persons, their Procurers and Counsellors, Aiders and Maintainers, knowing the same, shall be to all intents adjudged Traytors, and being thereof lawfully Convicted, shall have Judgment, suffer and forfeit as in Cases of High Treason.

Provided nevertheless, That the last mentioned Clause of this Branch, or any thing therein contained, shall not extend, or be taken to extend to any person or persons whatsoever, which shall hereafter be reconciled to the Pope or See of *Rome*, as aforesaid, (for and touching the point of so being reconciled only) that shall return into this Realm, and thereupon within Six days next after such return, before the Bishop of the Diocese, or two Justices of the Peace (joyntly or severally) of the County where he shall Arrive, submit himself to his Majesty and his Laws, and take the Oath set forth by Act, in the First year of the Reign of the late Queen *Elizabeth* (commonly called the Oath of Supremacy) as also the Oath before set down in this present Act, which said Oaths the said Bishop and Justices respectively shall have Power and Authority by this present Act to minister to such persons, as aforesaid;  
and

and the said Oaths so taken, the said Bishop and Justices before whom such Oaths shall be so taken respectively, shall certifie at the next General or Quarter-Sessions of the Peace, to be holden within the said Shire, Limit, Division or Liberty, wherein such Person, as aforesaid, shall submit himself, and take the said Oaths, as aforesaid, upon pain of every one neglecting to certifie the same, as aforesaid, the sum of Forty Pounds.

And be it further Enacted, That all and every person and persons that shall offend contrary to this present Branch of this Statute, shall be indicted, tried and proceeded against, by and before the Justices of Assize and Goal-delivery of that County for the time being, or before the Justices of the Court of Kings Bench, and be there proceeded against according to the Laws and Statutes of this Realm against Traytors, as if the said Offence had been committed in the same County, where such person or persons shall be so taken; Any Law, Custom or Statute to the contrary in any wise notwithstanding.

Provided always, That if any Peer of this Realm shall happen to be Indicted of any Offence made Treason by this Act, he shall have his Trial by his Peers, as in other like Cases of Treason is accustomed.

I Gul. & Mar. Cap. 8.

*An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and Appointing other Oaths.*

Whereas by a Statute made in the First Year of the Reign of our late Sovereign Lady Queen Elizabeth, Intituled, *An Act to restore to the Crown the Ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and Abolishing all Foreign Powers repugnant to the same*, the persons therein mentioned were obliged to take an Oath therein mentioned, commonly called the Oath of Supremacy: And whereas by another Statute made in the Third Year of the Reign of our late Sovereign Lord King James the First, Intituled, *An Act for the better Discovering and Repressing Popish Recusants*, another Oath, commonly called the Oath of Allegiance or Obedience, was required to be taken by the persons therein mentioned; Be it Enacted by the King and Queens most excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That from henceforth no person whatsoever shall be obliged to take the said Oaths, or either of them, by force or virtue of the said Statutes, or either of them, or any other Statute whatsoever: But that the said Statutes, and every other Statute, for so much only as concerns the said Oaths, and the said Oaths



Oaths themselves shall be and are hereby repealed utterly abrogated, and made void.

And be it further Enacted by the Authority aforesaid, That the Oaths appointed by this present Act to be taken, and the Declaration likewise appointed by this present Act to be made, repeated and subscribed, shall from and after the First Day of *May*, in the Year, One thousand six hundred eighty nine, be taken, made, repeated and subscribed by every such person and persons, as were appointed and required by any Act or Acts whatsoever, to take the said abrogated Oaths of Supremacy and Allegiance, or either of them, before such person or persons as hereafter in this Act is expressed, That is to say, all and every Archbishop and Bishop that now is, and all and every person of or above the Degree of a Baron of Parliament, in their Majesties High Court of Chancery, or in their Majesties Court of Kings Bench, in public and open Court, between the hours of Nine of the Clock and Twelve in the Forenoon, before the end of *Trinity* Term next, or at the General Quarter-Sessions to be holden for that County or Place where he or they shall be, inhabit, or reside, in open Court, between the said hours of Nine and Twelve of the Clock in the Forenoon, before the First Day of *August* next, all which shall be put on Record in the respective Courts.

And all and every other such person and persons shall take the said Oaths, and make, repeat, and subscribe the said Declaration by this present Act required to be taken, made, and subscribed, before such person or persons respectively as by any Act or Acts were Authorized or Impowered to tender the said Oaths of Allegiance

now abrogated and made void, which said person or persons so respectively authorized to administer or tender the said Oaths and Declaration, are hereby required to administer and tender the same accordingly.

And be it further Enacted by the Authority aforesaid, That all persons (other than such concerning whom other provision shall be made in this Act, or in any other Act of this present Session of Parliament) that shall hereafter be admitted into any Office or Employment, Ecclesiastical or Civil, or come into any Capacity, in respect or by reason whereof they should have been obliged by any Statute to take the said abrogated Oaths, or either of them, shall take the Oaths hereby appointed, in such manner, at such times, before such persons, and in such Courts and Places as they should or ought to have taken the said former Oaths, or either of them, in case the same had not been abrogated, as aforesaid; and that every such person who shall neglect or refuse to take the same, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as by any such Statute was appointed for or upon neglect or refusal to take the said former Oaths hereby abrogated, or either of them.

And be it further Enacted, That if any person now having any Office or Employment, Civil or Military, shall neglect or refuse to take the said Oaths hereby appointed to be taken, in such manner as by this Act is directed, before the First Day of *August*, in the Year, One thousand six hundred eighty nine, or sooner, if required thereunto by any Order from his Majesty in Council, before such persons as by the said Order shall be appointed

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ed to take and receive the same, that in every such case the said Office and Employment of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

And be it further Enacted by the Authority aforesaid, That if any Archbishop or Bishop or any other person now having any Ecclesiastical Dignity, Benefice, or Promotion, shall neglect or refuse to take the Oaths by this Act appointed to be taken, in such manner as by this Act is directed, before the First Day of *August*, in the Year One thousand six hundred eighty nine, every such person and persons so neglecting or refusing shall be, and is, and are hereby declared and adjudged to be suspended from the execution of his or their Office by the space of Six Months, to be accounted from the said First Day of *August*, and if the said person or persons ( so having neglected or refused ) shall not within the said space of Six Months take the said Oaths, in such Manner, Court, or Place as they ought to have taken the same before the said First Day of *August*, then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived of his and their Offices, Benefices, Dignities and Promotions Ecclesiastical.

And be it further Enacted, That if any person or persons now being Master, Governor, Head, or Fellow of any College or Hall in either of the Two Universities, or of any other College, or Master of any Hospital or School, or Professor of Divinity, Law, Physick, or other Science in either of the said Universities, or in the City of *London*, shall neglect or refuse to take the Oaths by this Act appointed to be taken,

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en, in such manner, and before such persons as by this Act is directed, before the First Day of August, in the Year One thousand six hundred eighty nine, every such person and persons so neglecting or refusing, shall be, and is, and are hereby declared and adjudged to be suspended from the execution of his or their Office and Employment, and from his or their Mastership, Government, Fellowship, and Professorship respectively, for the space of Six Months, to be accounted from the said First Day of August; and if the said person or persons (so having neglected or refused) shall not, within the said space of Six Months, take the said Oaths in such Court or Place, and before such persons, and in such manner as they ought to have taken the same, before the said First Day of August, that in every such case the said Office, Employment, Mastership, Government, Fellowship, and Professorship of every person so neglecting or refusing, shall be void, and is hereby adjudged void.

And be it further Enacted, That if any such other person or persons (other than the persons specially above-mentioned) shall refuse to take the said Oaths, or either of them, when tendered to him or them by any Persons lawfully authorized, as is aforesaid, to administer or tender the same, the person or persons so tendring the said Oaths, or either of them, shall commit the said person and persons, so refusing, to the common Goal, or House of Correction, there to remain without Bail or Mainprize for the space of Three Months, unless such Offender shall pay down to the said person or persons so tendring the said Oaths, or either of them, such Sum of

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of Money, not exceeding Forty Shillings, as the said person or persons so tendring the said Oath or either of them, shall require such Offender to pay for his or her said Refusal; which Money shall be paid to the Churchwardens or Overseers of the Poor for the Relief of the Poor in the Parish or Place where such Offender do last inhabit; and if at the end of Three Months after such Refusal, the person and persons so refusing, shall again refuse to take the said Oath or either of them, when lawfully tendred to him or them, as is aforesaid, the said person or persons so tendring the said Oaths, or either of them, shall commit the said person and persons so refusing, to the common Goal, or House of Correction, there to remain for the space of Six Months, unless every such Offender shall pay down to the person or persons so tendring the said Oaths, or either of them, such Sum of Money, not exceeding Ten Pounds, nor under Five Pounds, as the said person or persons so tendring the said Oaths, or either of them, shall require such Offender to pay for his or her said second Refusal, the said Money to be disposed in manner aforesaid; and unless every such Offender shall become Bound with two sufficient Sureties, with condition to be of the Good Behaviour and also to appear at the next Assizes, or general Goal Delivery to be holden for the County, Liberty, or Place where such Offender shall then inhabit or reside, at which Assizes or Goal Delivery the said Oath shall be again tendred to every such Offender by the Justices of Assizes or Goal Delivery, in their open Assizes or Goal Delivery; and if the said Offender shall refuse to



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the said Oaths, or either of them, when  
dred to him or her by the said Justices of  
izes or Goal Delivery, as is aforeaid, then  
ry person and persons so refusing, shall be,  
is, and are hereby adjudged incapable of any  
ice civil or military within this Kingdom,  
I shall likewise be and remain bound to the  
od Behaviour until he or they do take the  
d Oaths; and in case such person or persons  
ll refuse also to make and subscribe the De-  
claration mentioned in the Statute made in the  
irtieth Year of the Reign of King *Charles* the  
ond, Intituled, *An Act for the more effectual  
serving the Kings Person and Government, by  
abling Papists from Sitting in either House of  
liament*, such person and persons shall suffer  
Pains, Penalties, Forfeitures and Disabili-  
s, as a Popish Recusant Convict, and be taken  
d deemed a Popish Recusant Convict to all  
tents and Purposes whatsoever.

And be it further Enacted by the Authori-  
aforeaid, That all and every Commission  
ficer and Officers, and Non-Commission or  
arrant Officer and Officers, that are already  
mployed in their Majesties Service by Sea and  
nd, shall take the said Oaths, and also make,  
peat, and subscribe the Declaration mentioned  
the said Statute made in the Thirtieth Year  
the Reign of King *Charles* the Second, be-  
re the Lord High Admiral of *England*, or  
e Commissioners for executing the Office of  
ord High Admiral, or their Deputies, or such  
her persons as their Majesties shall authorize  
appoint to administer and accept the same  
spectively; and that all and every such per-  
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son and persons as shall hereafter be put in any such Employment by Sea or Land, sh before the Delivery of such Commission or Warrant to such Officer, take the said Oaths, and make, repeat, and subscribe the said Declaration before the Lord High Admiral, or Commissioners of the Admiralty, or their Deputy as aforesaid, or such person as shall issue the Commission or Warrant, or such others as shall be authorized to administer the same, as aforesaid, respectively, who are hereby respectively authorized and required to Tender, Administer and Accept the same; and all and every such Officer or Officers that shall refuse to take the said Oaths, and make and subscribe the said Declaration, shall be incapable of receiving, taking, holding or executing such Office or Employment.

And be it further Enacted, That the Officers appointed by the Statute made in the Thirteenth and Fourteenth Years of King Charles the Second Intituled, *An Act for Ordering the Forces in several Counties of this Kingdom*, the Form and Words of which Oath are in the same Statute expressed; and also so much of a Declaration prescribed in another Act made in the first Year, Intituled, *An Act for the Uniformity of Publick Prayers, and Administration of the Sacraments and other Rites and Ceremonies, and for Establishing the Form of Making, Ordaining, and Consecrating Bishops, Priests and Deacons in the Church of England*, as is expressed in these Words, viz.

**I** A.B. declare, That it is not lawful, upon any Pretence whatsoever, to take Arms against the King and that I do abhor that Traiterous Position of taking

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by his Authority against his Person, or against those that are Commissioned by him.

shall not from henceforth be required or enjoyned, nor any person suffer any forfeiture, penalty or loss by the not taking, subscribing or making the said Oath, or the said recited part of the said Declaration; The last mentioned Statutes, or any other Law or Statute to the contrary in any wise notwithstanding.

And be it Enacted, That the Oaths that are intended and required to be taken by this Act, are the Oaths in these exprefs words hereafter following.

A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to their Majesties King William and Queen Mary.

So help me God, &c.

A. B. do swear, That I do from my Heart abhor, detest, and abjure, as Impious and Heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State, or Potestate, hath or ought to have any Jurisdiction, Power, Superiority, Preeminence or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God, &c.

And be it further Enacted by the Authority aforesaid, That the Names of all and singular such Persons and Officers aforesaid, that do or shall, in

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the Court of Chancery, Kings Bench, or Quarter-Sessions, take the Oaths by this Act required to be taken, shall be in the said respective Courts of Chancery and Kings Bench, the Quarter-Sessions, inrolled, with the day and time of their taking the same, in Rolls made kept only for that intent and purpose, and for other; the which Rolls, as for the Court of Chancery, shall be publickly hung up in the Office of the Petty Bag, and the Rolls for the Kings-Bench in the Crown-Office of the said Court, and some Publick Place in every Quarter-Sessions, there remain during the whole Term, every Term, and during the whole time of the said Sessions, every Quarter-Sessions, for every one to resort and look upon without Fee or Reward; none of the person or persons aforesaid shall receive or pay as any Fee or Reward to any Officer belonging to any of the Courts, as aforesaid, above the Sum of Twelve Pence for his or their Entry of his or their taking of the Oaths by this Act required or appointed to be taken.

And whereas since the Eleventh Day of December, in the Year of our Lord, One thousand six hundred eighty eight, the said abrogated Oaths do not be taken by any person that was elected or placed in any Office of Magistracy or Place of Trust relating to or concerning the Government of any City, Corporation, Borough, Cinque-Port, or their Members, or other Port-Town, at the time of his being admitted and sworn into such Office, Place or Employment; by reason whereof his Election, Placing and Choice into such Office or Employment, by one Act, Intituled, *An Act*

the well governing of Corporations, is Enacted and Declared to be void : Be it therefore Enacted by the Authority aforesaid, That if any such Officer shall, before the First Day of *August*, in the Year of our Lord, One thousand six hundred eighty nine, take the Oaths herein mentioned and required to be taken, before such person or persons who by the said Act should have administered the said abrogated Oaths, at the time of his Admission into such Office or Employment, the said Election and Placing into such Office or Employment shall be taken and adjudged to be as good and effectual as if he had taken the said abrogated Oaths ; Any thing in the said Act, or in any other Statute, to the contrary in any wise notwithstanding.

And whereas since the Feast of *St. Michael* last past divers persons have been admitted into Offices, Employments, or Places of Trust, and could not take the said abrogated Oaths, and subscribe the Declaration, at such time, and in such manner as is directed and appointed by one Act made the Five and twentieth of the late King *Charles* the Second, Intituled, *An Act for preventing of Dan- gers that may happen from Popish Recusants :*

Be it therefore Enacted by the Authority aforesaid, That if any such person shall, before the end of *Trinity-Term* next, in the High Courts of Chancery or Kings Bench, or before the First of *August*, in the Year of our Lord, One thousand six hundred eighty nine, at the Quarter-Sessions for that County or Place where he or they shall inhabit or reside, or execute the said Office or Employment, take the Oaths in this Act mentioned and appointed to be taken, and repeat, and subscribe the said Declaration, and take the Sacrament of the Lords



Supper, according to the Usage of the Church of England, and procure Certificate thereof, in such manner as in the said Act is required, directed and appointed, That then such Person shall, and is hereby Indemnified and Discharged from any Penalty or Disability, that he might or should have incurred by the said Act, and shall and is hereby adjudged to have been, and be as good and sufficient an Officer from the time of his Admission, as if he had taken the said abrogated Oaths, and performed all other things required by the said Act; Any thing to the contrary notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That it be left to the King to allow to such of the Clergy as shall refuse to take the Oaths prescribed by this Act, as he shall think fit, not exceeding the number of Twelve, an Allowance out of their Ecclesiastical Benefices or Promotions for their Subsistence, not exceeding the third part, and to continue during His Majesty's Pleasure, and no longer.

### 7 Gulielmi 3. Cap. 3.

*An Act for Regulating of Trials in Cases of Treason and Misprision of Treason.*

**W**Hereas nothing is more just and reasonable, than that persons Prosecuted for High Treason, and Misprision of Treason, whereby the Liberties, Lives, Honour, Estate, Blood, and Posterity of the Subjects may be lost and destroyed, should be justly and equi-

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Tried, and that persons Accused as Offenders therein should not be debarred of all just and equal Means for Defence of their Innocencies in such Cases; In order thereunto, and for the better Regulation of Trials of persons prosecuted for High Treason and Misprision of such Treason, Be it Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Five and twentieth Day of *March*, in the Year of our Lord, One thousand six hundred ninety six, all and every person and persons whatsoever, that shall be Accused and Indicted for High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or for Misprision of such Treason, shall have a true Copy of the whole Indictment, but not the Names of the Witnesses, delivered unto them or any of them, Five Days at the least before he or they shall be Tried for the same, whereby to Enable them, and any of them respectively, to Advise with Counsel thereupon, to plead and make their Defence, his or their Attorney or Attorneys, Agent or Agents, or any of them requiring the same, and paying the Officer his reasonable Fees for Writing thereof, not exceeding Five shillings for the Copy of every such Indictment; and that every such person so Accused and Indicted, Arraigned or Tried for any such Treason, aforesaid, or for Misprision of such Treason, from and after the said time, shall be received and

admitted to make his and their full Defence, by Counsel Learned in the Law, and to make any Proof that he or they can produce by lawful Witness or Witnesses, who shall then be upon Oath for his and their just Defence in that behalf; And in case any person or persons so Accused or Indicted shall desire Counsel, the Court before whom such person or persons shall be Tried, or some Judge of that Court, shall and is hereby Authorized and Required immediately, upon his or their Request, to Assign to such person and persons, such and so many Counsel, not exceeding Two, as the person or persons shall desire, to whom such Counsel shall have free Access, at all seasonable hours; Any Law or Usage to the contrary notwithstanding.

And be it further Enacted, That from and after the said Five and twentieth Day of *March*, in the Year of our Lord, One thousand six hundred ninety six, no person or persons whatsoever, shall be Indicted, Tried, or Attainted of High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or of Misprision of such Treason, but by and upon the Oaths and Testimony of Two lawful Witnesses, either both of them to the same Overt Act, or one of them to one, and the other of them to another Overt Act of the same Treason, unless the Party Indicted, and Arraigned, or Tried, shall willingly, without Violence, in open Court, confess the same, or shall stand mute, or refuse to plead, or in cases of High Treason, shall peremptorily challenge above the number of Thirty five of the

Jury;

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Any Law, Statute, or Usage to the contrary notwithstanding.

Provided always, That any person or persons, being Indicted, as aforesaid, for any the Treasons, or Misprisions of the Treasons aforesaid, may be Outlawed, and thereby Attainted of or for any of the said Offences of Treason or Misprision of Treason; And in cases of the High Treasons aforesaid, where by the Law, after such Outlawry, the Party Outlawed may come in, and be tried, he shall upon such Trial have the Benefit of this Act.

And be it further Enacted and Declared by the Authority aforesaid, That if Two or more distinct Treasons of divers Heads or Kinds, shall be alleged in one Bill of Indictment, one Witness produced to prove one of the said Treasons, and another Witness produced to prove another of the said Treasons, shall not be deemed or taken to be two Witnesses to the same Treason, within the meaning of this Act.

And to the Intent that the Terror and Dread of such Criminal Accusations, may in some reasonable time be removed, Be it further Enacted by the Authority aforesaid, That from and after the said Five and twentieth Day of *March*, in the Year of our Lord, One thousand six hundred ninety six, no person or persons whatsoever, shall be Indicted, Tried, or Prosecuted for any such Treason, as aforesaid, or for Misprision of such Treason, that shall be committed or done, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, after the said Five and twentieth Day of *March*, in the Year of our Lord, One thousand six hundred

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ninety six, unless the same Indictment be found by a Grand Jury, within Three Years next after the Treason or Offence done and committed.

And that no person or persons shall be Prosecuted for any such Treason, or Misprision of such Treason, committed or done, or to be committed or done, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, before the said Five and twentieth Day of *March*, unless he or they shall be Indicted thereof, within Three Years after the said Five and twentieth Day of *March*. (Always Provided and Excepted, That if any person or persons whatsoever shall be guilty of Designing, Endeavouring or Attempting any Assassination on the Body of the King, by Poyson or otherwise, such person or persons may be Prosecuted at any time, notwithstanding the aforesaid Limitation.)

And that all and every person and persons, who shall be Accused, Indicted, and Tried for such Treason, as aforesaid, or for Misprision of such Treason, after the said Five and twentieth Day of *March*, in the Year of our Lord, One thousand six hundred ninety six, shall have Copies of the Pannel of the Jurors, who are to Try them, duly returned by the Sheriff, and delivered unto them, and every of them so Accused and Indicted respectively, Two Days at the least before he or they shall be Tried for the same; And that all persons so Accused and Indicted for any such Treason, as aforesaid, shall have the like Process of the Court where they shall be Tried, to compel their Witnesses to appear for them at any such Trial or Trials, as is usually granted to compel Witnesses to appear against them.

And



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And be it further Enacted, That no Evidence shall be admitted or given of any Overt Act that is not expressly laid in the Indictment against any person or persons whatsoever.

Provided also, and be it Enacted by the Authority aforesaid, That no Indictment for any of the Offences aforesaid, nor any Process or Return thereupon, shall be quashed on the Motion of the Prisoner, or his Counsel, for miswriting, mis-spelling, false or improper Latin, unless Exception concerning the same be taken and made in the respective Court, where such Trial shall be, by the Prisoner, or his Counsel assigned, before any Evidence given in Open Court upon such Indictment; Nor shall any such miswriting, mis-spelling, false or improper Latin, after Conviction on such Indictment, be any Cause to stay or arrest Judgment thereupon; But nevertheless, any Judgment given upon such Indictment, shall and may be liable to be Reversed upon a Writ of Error, in the same manner, and no other, than as if this Act had not been made.

And whereas by the good Laws of this Kingdom in Cases of Trials of Commoners for their Lives, a Jury of Twelve Freeholders must all agree in one Opinion before they can bring a Verdict, either for Acquittal or Condemnation of the Prisoner: And whereas upon the Trials of Peers or Peeresses, a Major Vote is sufficient, either to Acquit or Condemn; Be it further Enacted, by the Authority aforesaid, That upon the Trial of any Peer or Peerefs, either for Treason or Misprision, all the Peers who have a Right to Sit and Vote in Parliament, shall be duly Summoned, Twenty Days at least before every such Trial, to Ap-

pear at every such Trial; And that every Peer so Summoned and Appearing at such Trial, shall Vote in the Trial of such Peer or Peerefs so to be Tried, every such Peer first taking the Oaths mentioned in an Act of Parliament made in the First Year of the Reign of King *William* and Queen *Mary*, Intituled, *An Act for Abrogating the Oaths of Supremacy and Allegiance, and Appointing other Oaths*; And also every such Peer Subscribing and Audibly repeating the Declaration mentioned in *An Act for the more effectual Preserving the Kings Person and Government, by Disabling Papists from Sitting in either House of Parliament*, and made in the Thirtieth Year of the Reign of the late King *Charles* the Second.

Provided always, That neither this Act, nor any thing therein contained, shall any ways extend to, or be construed to extend to any Impeachment or other Proceedings in Parliament, in any kind whatsoever.

Provided also, That this Act, nor any thing therein contained, shall any ways extend to any Indictment of High Treason, nor to any Proceedings thereupon, for Counterfeiting his Majesties Coin, his Great-Seal, or Privy-Seal, his Sign-Manual, or Privy-Signet.

8 & 9 Gulielmi 3. Cap. 25.

*An Act for the better Preventing the Counterfeiting the current Coin of this Kingdom.*

**W**Hereas notwithstanding the good Laws still in force against the Counterfeiting of the Monies and Coins of this Realm, yet the said Offence doth and is like daily to increase, to the manifest Wrong and Injury, both of his Majesty and all his loving Subjects, being very much occasioned for want of a due and Condign Punishment to be inflicted upon such Artificers and others, who without any lawful Authority, do make or use Puncheons, Stamps, Dies and other Engines and Instruments, which are commonly used, or may be made use of in or about the Coining of Money: For redress of which so great and growing a Mischief, Be it Enacted by the Kings most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth day of *May*, One thousand six hundred ninety seven, no Smith, Engraver, Founder or other person or persons whatsoever (other than and except the persons employed, or to be employed in or for his Majesties Mint or Mints in the Tower of *London*, or elsewhere, and for the use and service of the said Mints only, or persons lawfully Authorized by the Lords Commissioners of the Treasury, or Lord High Treasurer of *England*, for the time being)

ing) shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any Puncheon, Counter-Puncheon, Matrix, Stamp, Die, Pattern or Mould of Steel, Iron, Silver, or other Metal or Metals, or of Spauld, or fine Founders Earth or Sand, or of any other Materials whatsoever, in or upon which there shall be, or be made or impressed, or which will make or impress the Figure, Stamp, Resemblance or Similitude of both or either of the Sides or Flats of any Gold or Silver Coin, current within this Kingdom, nor shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any Edger, or Edging Tool, Instrument or Engine, not of common use in any Trade, but contrived for marking of Money round the Edges, with Letters, Grainings or other Marks or Figures, resembling those on the Edges of Money Coined in his Majesties Mint, nor any Press for Coinage, nor any cutting Engine for cutting round Blanks by force of a Screw out of flatted Bars of Gold, Silver or other Metal, nor shall knowingly buy, or sell, hide or conceal, or without lawful Authority, or sufficient excuse for that purpose, knowingly have in his, her or their Houses, Custody or Possession, any such Puncheon, Counter-Puncheon, Matrix, Stamp, Die, Edger, cutting Engine, or other Tool or Instrument before-mentioned: And if any Smith, Engraver, Founder, or other person or persons whatsoever (other than and except, as aforesaid) shall offend in any the matters or things aforesaid, then all and every such Offender and Offenders, their Counsellors, Procurers, Aiders and

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And Abettors, shall be and is and are hereby adjudged to be guilty of High Treason, and being of the said Offences, or any of them, convicted or Attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of High Treason.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, from and after the said Fifteenth day of *May*, shall without lawful Authority for that purpose, wittingly or knowingly, convey or assist in the conveying out of his Majesties Mint in the Tower of *London*, or out of any other of his Majesties Mints, any Puncheon, Counter-Puncheon, Matrix, Die, Stamp, Edger, Cutting Engine, Press or other Tool, Engine or Instrument, used for or about the Coining of Monies there, or any useful part of such Tools or Instruments, that then as well the said person and persons so offending, their Counsellors, Procurers, Aiders or Abettors, as also all and every person and persons, knowingly receiving, hiding or concealing the same, shall be, and is, and are hereby adjudged to be guilty of High Treason, and being of the said Offences, or any of them, Convicted or Attainted, according to the order and course of the Laws of this Realm, shall suffer Death as in case of High Treason.

And be it further Enacted by the Authority aforesaid, That if any person or persons (other than the persons employed in his Majesties Mint or Mints, or such as shall have Authority from the Lords Commissioners of the Treasury, or Lord High Treasurer of *England* for the time being.) shall after the said Fifteenth day of *May*,  
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mark on the Edges any the current Coin of this Kingdom; or if any person or persons whatsoever, shall mark on the Edges any of the diminish'd Coin of this Kingdom, or any counterfeit Coin resembling the Coin of this Kingdom, with Letters or Grainings, or other Marks or Figures, like unto those on the Edges of Money Coined in his Majesties Mint, every such Offence shall be, and is hereby adjudged to be High Treason, and the Offender and Offenders therein, his and their Counsellors, Procurers, Aiders and Abettors, being thereof Convicted or Attainted, according to the order and course of the Laws of this Realm, shall suffer Death, as in case of High Treason.

And be it further Enacted by the Authority afore said, That if any person or persons whatsoever, after the said Fifteenth Day of *May*, shall colour, gild or case over with Gold or Silver, or with any Wash or Materials producing the colour of Gold or Silver, any Coin resembling any the current Coin of this Kingdom, or any round Blanks of base Metal, or of coarse Gold or coarse Silver, of a fit Size and Figure to be Coined into counterfeit milled Money, resembling any the Gold or Silver Coin of this Kingdom; or if any person or persons shall gild over any Silver Blanks, of a fit Size and Figure to be Coined into Pieces, resembling the current Gold Coin of this Kingdom, all and every such person and persons so offending, their Counsellors, Procurers, Aiders and Abettors, shall be and is and are hereby adjudged to be guilty of High Treason, and being Convicted or Attainted thereof, according to the order and course of the Laws

Persons of this Realm, shall suffer Death as in case of High Treason.

And be it further Enacted by the Authority aforesaid, That if any Puncheon, Die, Stamp, Mallet, Cutting Engine, Press, Flask, or other Tool, Instrument or Engine, used or designed for Coining or Counterfeiting Gold or Silver Monies, or any part of such Tool or Engine, shall at any time after the said Fifteenth day of *May*, be hid or concealed in any place, or found in the House, Custody or Possession of any person or persons whatsoever, not then employed in the Coining of Money in some of his Majesties Mint, nor having the same by some lawful Authority, That then it shall and may be lawful to and for any person or persons whatsoever, discovering the same, to Seize, and he and they are hereby required to Seize the same, and to carry them forthwith to some Justice of Peace of the County, City or Place where the same shall be so Seized, and by him secured, to be produced in Evidence against any person or persons, who shall or may be prosecuted for any such Offence in some Court of Justice proper for the Determination thereof, and after such time as they or any of them shall have been produced in Evidence, as well the same so produced, as the other so seized, and not made use of in Evidence, and every of them, shall forthwith, by order of that Court where such Offender or Offenders shall be Tried, or by Order, and in the presence of such, or some other Justice of the Peace, in case there be no such Trial, be totally defaced and destroyed: And if after the said Fifteenth day of *May*, any Counterfeit or unlawfully diminished

nished Money shall be produced in any Court of Justice, either in Evidence against any person or persons for any Offence relating to the Counterfeiting, or unlawfully Diminishing of Money, or otherwise, That then, or immediately after Evidence given, the Judge or Judges of such Court shall cause such Monies to be cut in pieces in open Court, or in the presence of some Justice of the Peace, and then to be delivered to or for such person or persons to whom the same of Right shall appertain.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, or any Attainder or Attainders of any person or persons for any Offence or Offences made Treason or Felony by this Act, shall not in any wise extend, or be judged, interpreted or expounded to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements, or Hereditaments, or her Title, Action, or Interest to the same; and that all and every person or persons that shall, at any time after the said Fifteenth Day of *May*, be accused or impeached of any the Offences made Treason or Felony by this Act, shall or may be Indicted, Arraigned, Tried, Convicted, or Attainted by such like Evidence, and in such manner and form, as now are, or may by the Laws of this Realm be had or used against any Offender or Offenders, for Counterfeiting the Kings Money; Any thing in this Act contained, or any other Law or Statute to the contrary notwithstanding.

## Relating to High Treason. 89

Provided always, and be it Enacted, That this Act shall continue and be in force until the end of the next Session of Parliament, and no longer, and that no Prosecution shall be made for any Offence against this Act, unless such Prosecution be commenced within Three Months after such Offence committed.

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### 9 Gulielmi 3. Cap. 1.

*An Act against Corresponding with the late King James, and his Adherents.*

**W**Hereas upon the Conclusion of Peace between His Majesty and the *French King*, it is become necessary for the carrying on a Trade and Commerce between *England* and *France*, That the Subjects of each Kingdom should have the freedom of going and coming out of and into the said Kingdoms respectively: And wherezs such persons who have been in Arms against his Majesty, or have been Engaged in Trayterous Conspiracies against his sacred Person and Government, and other Disaffected persons, may take Advantage, and be encouraged from thence to form and carry on Treasonable Designs and Practices against his Majesties Royal Person and Government, unless some provision be made for prevention thereof: Be it therefore Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament assembled,

assembled, and by the Authority of the same, That if any of his Majesties Subjects, who have at any time, since the Eleventh Day of December, One thousand six hundred eighty eight, voluntarily gone into *France*, or any of the *French* Kings Dominions in *Europe*, without Licence from his Majesty, or her late deceased Majesty Queen *Mary*, of Blessed Memory, or who have, at any time during the late War with *France*, born Arms in the Service of the *French* King, either by Sea or Land, or who have, at any time since the Thirteenth Day of February, One thousand six hundred eighty eight, been in Arms under the Command, or in the Service of the late King *James* in *Europe*, shall, at any time after the Fourteenth Day of January, One thousand six hundred ninety seven, return into this Kingdom of *England*, or any other his Majesties Dominions, without Licence from his Majesty under the Privy Seal, every person so offending shall (being lawfully convicted thereof) be taken, deemed, and adjudged to be guilty of High Treason, and shall suffer and forfeit as in cases of High Treason.

And be it further Enacted, That where any of the Offences against this Act shall be committed out of this Realm, the same may be Alleged and Laid, Enquired of and Tried in any County of this Realm.

And be it Declared and Enacted by the Authority aforesaid, That all and every person and persons who shall hereafter be Accused, Indicted or Prosecuted for any thing made or declared Treason by this Act, shall be entitled to the Benefit of the Act of Parliament made in



the Seventh Year of his now Majesties Reign, intituled, *An Act for Regulating of Trials in Cases of Treason and Misprision of Treason.*

13 & 14 Gulielmi 3. Cap. 3.

*An Act for the Attainder of the pretended Prince of Wales, of High Treason.*

Whereas the pretended Prince of *Wales* hath, since the Decease of the late King *James*, by the Incitation and Encouragement of the *French* King, (being bred up, and instructed to introduce the *Romish* Superstition, and *French* Government into these your Majesties Kingdoms) openly and traiterously, with Design to dethrone your Majesty, assumed the Name and Title of *James* the Third, King of *England*, *Scotland*, and *Ireland*, and caused himself to be so proclaimed in the Kingdom of *France*, in manifest Violation of your Majesties most Lawful and Rightful Title to the Crown of these Realms, and of the several Acts of Parliament made, as well for Recognizing of the same, as for Settling the Succession of the Crown, contrary to the Duty of his Allegiance, and to the disturbing of the Peace of these your Majesties Kingdoms: To the end therefore that your Majesties good and loyal People of *England*, assembled in Parliament, may, in the most solemn manner, express their utmost Resentment of so great an indignity done to your Majesties most Sacred Person and Government; and that the said

Traytor

Traytor may be brought the more certainly and speedily to condign Punishment ; May it please Your Majesty that it may be Enacted ; And be it Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said pretended Prince of *Wales* stand and be Convicted and Attainted of High Treason, and that he suffer pains of Death, and incur all Forfeitures as a Traytor Convicted and Attainted of High Treason.

And for preventing Traiterous Correspondence between Your Majesties Subjects, and the said pretended Prince of *Wales*, or his Adherents, Be it further Enacted by the Authority aforesaid That if any of the Subjects of the Crown of *England*, from and after the First Day of *March* One thousand seven hundred and one, shall, within this Realm or without, hold, entertain, or keep any Intelligence or Correspondence, in person, or by Letters, Messages, or otherwise, with the said pretended Prince of *Wales*, or with any person or persons employed by him, knowing such Person to be so employed, or shall, by Bill of Exchange, or otherwise, remit or pay any Sum or Sums of Money, for the Use or Service of the said pretended Prince of *Wales*, knowing such Money to be for such Use or Service, such person so Offending, being Lawfully Convicted, shall be taken, deemed, and adjudged to be Guilty of High Treason, and shall suffer and forfeit as in cases of High Treason.

And

And be it further Enacted, That where any of the Offences against this Act shall be committed out of this Realm, the same may be Alledged and Laid, Enquired of and Tried, in any County of this Kingdom of *England*.

**I Annæ. Cap. 9.**

*An Act for Punishing of Accessaries to Felonies, and Receivers of Stolen Goods, and to prevent the Wilful Burning and Destroying of Ships.*

And be it further Enacted by the Authority aforesaid, That from and after the said Twelfth Day of *February*, One thousand seven hundred and two, all and every person and persons, who shall be produced or appear as a Witness or Witnesses on the behalf of the Prisoner upon any Trial for Treason or Felony, before he or she be admitted to depose or give any manner of Evidence, shall first take an Oath to depose the Truth, the whole Truth, and nothing but the Truth, in such manner as the Witnesses for the Queen are by Law obliged to do, and if convicted of any wilful Perjury in such Evidence, shall suffer all the punishments, penalties, forfeitures, and disabilities, which by any of the Laws and Statutes of this Realm, are or may be Inflicted upon persons Convicted of wilful Perjury.

## I Annæ. Cap. 17.

*An Act for Enlarging the time for taking the Oath of Abjuration ; And also for Reconciling and Indemnifying such Persons as have not taken the same by the time limited, and shall take the same by a time to be appointed ; And for the further Security of Her Majesties Person, and the Succession of the Crown in the Protestant Line. And for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors.*

**A**ND for the further Security of Her Majesties Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; Be it further Enacted by the Authority aforesaid, That if any person or persons, at any time after the First Day of March One thousand seven hundred and two, shall endeavour to deprive or hinder any person who shall be the next in Succession to the Crown for the time being, according to the Limitations in an Act, Intituled, *An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*; and according to other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Right*

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and Liberties of the Subject, from succeeding after the Decease of Her Majesty (whom God long preserve) to the Imperial Crown of this Realm, and the Dominions and Territories thereunto belonging, according to the Limitations in the before-mentioned Acts: That is to say, such Issue of Her Majesties Body, as shall from time to time be next in Succession to the Crown, if it shall please God Almighty to bless Her Majesty with Issue; and during the time Her Majesty shall have no Issue, the Princess *Sophia*, Electress and Dutchess Dowager of *Hannover*, and after the Decease of the said Princess *Sophia*, the next in Succession to the Crown for the time being, according to the Limitation of the said Acts, and the same maliciously, advisedly and directly shall attempt by any Overt Act or Deed, every such Offence shall be adjudged High Treason, and the Offender or Offenders therein, their Abettors, Procurers and Comforters, knowing the said Offence to be done, being thereof Convinced or Attainted, according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traitors, and shall suffer Pains of Death, and all Losses and Forfeitures as in cases of High Treason.



## 3 &amp; 4 Annæ. Cap. 14.

*An Act to prevent all Traiterous Correspondence with Her Majesties Enemies.*

**F**OR preventing all Traiterous Correspondence with the *French* King, or his Subjects, supplying them with Warlike or other Stores. Be it Declared and Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That if at any time after the Five and twentieth Day of *March*, One thousand seven hundred and five, any person or persons shall, during the continuance of the present War with *France*, Send, or Load, or Transport, or Deliver, or cause to be Sent, or Laden, or Transported, or Delivered unto or for the Use of the said *French* King, or any of his Subjects residing within his Dominions, or any Town or Territory in his Possession, or into, or for any Port or Place within his said Dominions, any Arms, Ordnance, Powder, Bullets, Pitch, Tar, Hemp, Masts, Cordage, Iron, or Salt-Petre, every person or persons, so as aforesaid Offending, and being thereof Convicted or Attainted by due course of Law, shall be deemed, declared and adjudged to be Traitor or Traitors, and suffer the pains of Death, and also lose and forfeit as in cases of High Treason.

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And be it further Enacted, That if any of Her Majesties Subjects, who have, at any time since the Fourth Day of *May*, in the First Year of Her Majesties Reign, voluntarily gone into *France*, or any of the *French King's* Dominions in *Europe*, without Licence from Her Majesty, or who have, at any time since the said Fourth Day of *May*, in the First Year of Her Majesties Reign, borne Arms in the Service of the *French King*, either by Sea or Land, shall at any time after the said Five and twentieth day of *March*, One thousand seven hundred and five, return into this Kingdom of *England*, or any other Her Majesties Dominions, without Licence from Her Majesty under Her Privy Seal, every Person so offending, and being thereof Lawfully convicted or Attainted, shall be taken, deemed and adjudged to be Guilty of High Treason, and shall suffer Penalties as in Case of High Treason.

And be it further Enacted, That if any of Her Majesties Subjects shall, from and after the said Five and twentieth day of *March*, One thousand seven hundred and five, during the continuance of this present War with *France*, without Licence from Her Majesty, voluntarily go, or repair or embark in any Vessel, with Intent to go into *France*, or any Dominions of the *French King*, and be thereof Convicted or Attainted by due Course of Law, every such Person shall be taken, deemed, and adjudged to be Guilty of High Treason, and shall suffer Penalties as in Case of High Treason.

And be it further Enacted, That where any of the Offences against this Act shall be committed

mitted out of this Realm, or if any person or persons shall be guilty of Returning or Continuing within this Realm, contrary to the Provisions herein before made, every such Offender may be Alledged and Laid, Enquired of, and Tried in any County of this Realm.

And be it further Enacted by the Authority aforesaid, That all and every person and persons, who shall hereafter be Accused, Indicted or Prosecuted for any thing made or declared Treason by this Act, shall be entitled to the Benefit of the Act of Parliament made in the Seventh Year of the Reign of his late Majesty King William the Third, Intituled, *An Act for Regulating of Trials in Cases of Treason and Misdemeanor*.

## 6 Annæ. Cap. 7.

*An Act for the Security of Her Majesties Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line.*

**W**Hereas by the Happy Union of England and Scotland, it is become necessary to make divers Alterations in relation to an Act Passed in the Parliament of England, in the Fourth Year of the Reign of Her present Majesty, (whom God long preserve) Intituled, *An Act for the better Security of Her Majesties Person and Government, and of the Succession to the Crown of England in the Protestant Line, and to*

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and the Provisions of the said Act throughout the whole United Kingdom, for the better Security of our most Gracious Sovereigns Person and Government, and of the Succession to the Crown of *Great Britain* in the Protestant Line, as is now by the Laws and Statutes of this Realm, Settled, Limited and Appointed; Be it therefore Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That if any person or persons shall maliciously, advisedly and directly, by Writing or Printing, maintain and affirm, That our Sovereign Lady the Queen, that now is, is not the Lawful and Rightful Queen of these Realms, or that the pretended Prince of *Wales*, who now Stiles himself King of *Great Britain*, or King of *England*, by the Name of *James* the Third, or King of *Scotland*, by the Name of *James* the Eighth, hath any Right or Title to the Crown of these Realms, or that any other person or persons hath or have any Right or Title to the same, otherwise than according to an Act of Parliament made in *England* in the First Year of the Reign of their late Majesties King *William* and Queen *Mary*, of ever blessed and glorious memory, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, and one other Act made in *England* in the Twelfth Year of the Reign of his said Majesty King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*,

jest, and the Acts lately made in *England* and *Scotland* mutually for the Union of the two Kingdoms; or that the Kings or Queens of the Realm, with and by the Authority of Parliament, are not able to make Laws, and Statutes of sufficient Force and Validity to limit and bind the Crown, and the Descent, Limitation of Inheritance and Government thereof, every such person or persons shall be guilty of High Treason, and being thereof Lawfully Convicted, shall be adjudged Traytors, and shall suffer pains of Death, and all Losses and Forfeitures as in Cases of High Treason.

And be it Enacted by the Authority aforesaid That whensoever Her Majesty (whom God long preserve) shall happen to Demise and Depart this Life, without Issue of Her Body, the Privy Council for *Great Britain* in being at the time of such Demise of Her Majesty, shall, with convenient Speed, cause the next Protestant Successor entitled to the Crown of *Great Britain* by Virtue of the Acts beforementioned, to be openly and solemnly Proclaimed in *Great Britain* and *Ireland*, in such manner and form as the preceding Kings and Queens respectively have been usually Proclaimed after the Demise of their respective Predecessors: And that any and every Member and Members of the said Privy Council, wilfully neglecting or refusing to cause such Proclamation to be made, shall be Guilty of High Treason, and being thereof Lawfully Convicted, shall be adjudged Traytors, and shall suffer Pains of Death, and all Losses and Forfeitures as in Cases of High Treason: And also all and every Officer and



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Officers within the said Kingdoms of *Great Britain* and *Ireland*, who shall by the said Privy-Council be required to make such Proclamations, and shall wilfully refuse or neglect to make the same, shall be guilty of High Treason; and being thereof lawfully Convicted, shall be adjudged Traytors, and shall suffer Pains of Death, and all Losses and Forfeitures as in Cases of High Treason.

And be it further Enacted, That the said Lords Justices constituted, as aforesaid, shall not Dissolve the Parliament continued and ordered to Assemble and Sit, as aforesaid, without express Direction from such succeeding Queen or King: And that the said Lords Justices shall be and are hereby Restrained and Disabled from giving the Royal Assent in Parliament to any Bill or Bills for the Repealing or Altering the Act made in *England* in the Thirteenth and fourteenth Years of the Reign of King *Charles the Second*, Intituled, *An Act for the Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies; and for establishing the Form for Making, Ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England; or the Act made in Scotland in the last Session of Parliament there, Intituled, Act for Securing the Protestant Religion, and Presbyterian Church-Government; and all and every the said Lords Justices concurring in giving the Royal Assent to any Bill or Bills for Repealing or Altering the said Acts, or either of them, shall be guilty of High Treason, and suffer and Forfeit as in Cases of High Treason.*

## 7 Annæ. Cap. 4.

*An Act for Punishing Mutiny and Desertion  
and False Musters, and for the better Pay-  
ment of the Army and Quarters.*

AND forasmuch as there is not any effectual Provision made for the Government of Her Majesties Land-Forces out of the Realm of *Great Britain* and *Ireland*, Be it further Enacted and Declared, That if any Officer or Soldier in Her Majesties Army shall, either upon Land out of *Great Britain*, or upon the Sea, hold Correspondence with any Rebel or Enemy of Her Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, or any manner of way whatsoever, shall Treat with such Rebels or Enemies, or enter into any Condition with them, without Her Majesties Licence, or Licence of the General Lieutenant-General, or Chief Commander, then every such Person so offending, shall be deemed and adjudged to be guilty of High Treason, and suffer such Pains and Penalties as in Case of High Treason.



7. Annæ

7 Annæ. Cap. 21.

An Act for Improving the Union of the Two Kingdoms.

Whereas nothing can more conduce to the Improving the Union of the Two Kingdoms, which by Her Majesties great Wisdom and Goodness hath been happily effected, than that the Laws of both Parts of *Great Britain* should agree, as near as may be, especially those Laws which relate to High Treason, and the Proceedings thereupon, as to the nature of the Crime, the Method of Prosecution and Trial, and also the Forfeitures and Punishment for that Offence, which are of the greatest concern, both to the Crown, and to the Subjects; To the end therefore, That the said Union may be more effectually Improved, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July*, in the Year of our Lord One thousand seven hundred and nine, such Crimes and Offences, which are High Treason, or Misprision of High Treason within *England*, shall be construed, adjudged and taken to be High Treason and Misprision of High Treason within *Scotland*; And that from thenceforth no Crimes or Offences shall be High Treason or Misprision of High Treason within *Scotland*, but those that are High Treason or Misprision of High Treason

in *England*; And that from and after the said First Day of *July*, in the said Year of our Lord, One thousand seven hundred and nine, the Queen's Majesty, Her Heirs and Successors, may issue out Commissions of *Oyer and Terminer* in *Scotland* under the Seal of *Great Britain*, to such Persons as Her Majesty, Her Heirs and Successors shall think fit; and that Three of the Lords of the Justice may be in the said Commission of *Oyer and Terminer*, whereof One to be of the *Quorum*, to enquire of, hear and determine such High Treasons and Misprision of High Treason, in such manner as is used in *England*.

Provided always, and be it Enacted by the Authority aforesaid, That where any Commission of *Oyer and Terminer* shall issue, pursuant to this Act, and is to be executed within any District where there is a Justice-General, or Person having Right of Justiciary, who had Jurisdiction in Cases of High Treason and Misprision of High Treason at the time of the making of this Act, from and after the time that such Right be made appear before the Lords of Session and by them certified to the Lord Chancellor of *Great Britain*, such Justice-General, or such Person having Right of Justiciary, or their respective Deputy, shall be in the said Commission and One of the *Quorum*.

And be it further Enacted by the Authority aforesaid, That from and after the said First Day of *July*, One thousand seven hundred and nine, the Justice-Court, and other Courts, having Power to judge in Cases of High Treason and Misprision of High Treason in *Scotland*, shall have full Power and Authority, and are hereby required

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required to Enquire by the Oaths of Twelve or more good and lawful Men of the County, Shire or Stewartry, where the respective Courts shall sit, of all High Treasons, and Misprision of High Treason committed within the said Counties, Shires or Stewartries, and thereupon to proceed, hear, and determine the said Offences whereof any Person shall be indicted before them, in such manner as the Court of Queens Bench, or Justices of *Oyer and Terminer* in *England*, may do by the Laws of *England*; and if any Person be indicted of High Treason, or Misprision of High Treason, before any Justices of *Oyer and Terminer*, or in the Circuit-Courts, or other Courts having Power to judge in Cases of High Treason, or Misprision of High Treason in *Scotland*, then upon the Request of the Queens Advocate-General to the Lord High Chancellor, or Lord Keeper of the Great Seal of *Great Britain* for the time being, the Lord Chancellor, or Lord Keeper shall award Her Majesties Writ of *Certiorari*, under the said Great Seal, directed to the Justices of *Oyer and Terminer*, or the Justices of the Circuit-Courts, and such other Courts, thereby commanding them, or any of them, to certifie such Indictment into the Justice-Court, which Court shall have full Power and Authority, and is hereby required to proceed upon, hear and determine the same, as the Court of Queens Bench in *England* may do upon Indictments Removed or Certified into the said Court; And that from and after the said First Day of *July*, in the said Year of our Lord One thousand seven hundred and nine, all Persons convicted or attainted of High Treason, or Misprision of



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in *England*; And that from and after the said First Day of *July*, in the said Year of our Lord, One thousand seven hundred and nine, the Queen Majesty, Her Heirs and Successors, may issue out Commissions of *Oyer and Terminer* in *Scotland* under the Seal of *Great Britain*, to such Persons as Her Majesty, Her Heirs and Successors shall think fit; and that Three of the Lords of the Justice may be in the said Commission of *Oyer and Terminer*, whereof One to be of the *Quorum*, to enquire of, hear and determine such High Treasons and Misprision of High Treason, in such manner as is used in *England*.

Provided always, and be it Enacted by the Authority aforesaid, That where any Commission of *Oyer and Terminer* shall issue, pursuant to this Act, and is to be executed within any District where there is a Justice-General, or Person having Right of Justiciary, who had Jurisdiction in Cases of High Treason and Misprision of High Treason at the time of the making of this Act, from and after the time that such Right be made appear before the Lords of Session and by them certified to the Lord Chancellor of *Great Britain*, such Justice-General, or such Person having Right of Justiciary, or their respective Deputy, shall be in the said Commission and One of the *Quorum*.

And be it further Enacted by the Authority aforesaid, That from and after the said First Day of *July*, One thousand seven hundred and nine, the Justice-Court, and other Courts, having Power to judge in Cases of High Treason and Misprision of High Treason in *Scotland*, shall have full Power and Authority, and are hereby required

required to Enquire by the Oaths of Twelve or more good and lawful Men of the County, Shire or Stewartry, where the respective Courts shall sit, of all High Treasons, and Misprision of High Treason committed within the said Counties, Shires or Stewartries, and thereupon to proceed, hear, and determine the said Offences whereof any Person shall be indicted before them, in such manner as the Court of Queens Bench, or Justices of *Oyer and Terminer* in *England*, may do by the Laws of *England*; and if any Person be indicted of High Treason, or Misprision of High Treason, before any Justices of *Oyer and Terminer*, or in the Circuit-Courts, or other Courts having Power to judge in Cases of High Treason, or Misprision of High Treason in *Scotland*, then upon the Request of the Queens Advocate-General to the Lord High Chancellor, or Lord Keeper of the Great Seal of *Great Britain* for the time being, the Lord Chancellor, or Lord Keeper shall award Her Majesties Writ of *Certiorari*, under the said Great Seal, directed to the Justices of *Oyer and Terminer*, or the Justices of the Circuit-Courts, and such other Courts, thereby commanding them, or any of them, to certify such Indictment into the Justice-Court, which Court shall have full Power and Authority, and is hereby required to proceed upon, hear and determine the same, as the Court of Queens Bench in *England* may do upon Indictments Removed or Certified into the said Court; And that from and after the said First Day of *July*, in the said Year of our Lord One thousand seven hundred and nine, all Persons convicted or attainted of High Treason, or Misprision of

High Treason in *Scotland*, shall be subject and liable to the same Corruption of Blood, Pains, Penalties and Forfeitures, as Persons convicted or attainted of High Treason or Misprision of High Treason in *England*.

Provided always, That where any Person now is or shall be, before the said First Day of *July*, seized of any Messuages, Lands, Seignories, Rents, Tenements or Hereditaments in *Scotland*, of an Estate tail, that is to say, an Estate Tailzie, affected with Irritant and Resolutive or Prohibitive Clauses, and is, or before the said First Day of *July*, shall be Married, if any Issue of that Marriage be living, or there be possibility of such Issue at the time of the High Treason committed, that then in such case the said Messuages, Lands, Seignories, Rents, Tenements and Hereditaments, shall not be forfeited upon the Attainder of such Person for High Treason (but during the Life of the Person so Attainted only) so that the Issue and Heirs in Tail of such Marriage shall inherit the same; The said Attainder notwithstanding.

And be it further Enacted by the Authority aforesaid, That all Treasons and Misprisions of Treasons, which from and after the said First Day of *July*, shall be done or committed by any Native of *Scotland*, upon the High Sea, or in any place out of this Realm of *Great Britain*, shall be enquired of, heard and determined before the said Justice-Court, or before such Commissioners of Oyer and Terminer, and in such Shire, Stewartry or County of *Great Britain*, as shall be assigned by the Queens Commission, and by good and lawful Men of the same Shire, in like manner to all Intents and Purposes, as if such Treasons,

sons, or Misprisions of Treason, had been done or committed in the same Shire where they shall be enquired of, heard and determined, as aforesaid; And that from and after the said First Day of *July* in the said Year of our Lord One thousand seven hundred and nine, no Person accused of any Capital Offence, or other Crime in *Scotland*, shall suffer, or be subject or liable to any Torture. Provided that this Act shall not extend to take away that Judgment which is given in *England* against Persons indicted of Felony, who shall refuse to plead or decline Trial.

Provided also, and be it further Enacted by the Authority aforesaid, That every Person may be Summoned and Returned to be a Jurymen in any such Trials, as aforesaid, who shall, at the time of such Trial, have and be seized in his own Right, or in the Right of his Wife, of Lands or Tenements, of an Estate of Inheritance, or for his or her Life, or the Life of some other Person within the County, Stewartry or Place where any such Trial shall be, or from whence the Jury is to come, of the Yearly Value of Forty Shillings Sterling at least; And for want thereof, or for any other lawful Cause, shall be subject to be challenged and set aside.

And whereas the Crimes after mentioned are by several Acts of Parliament in *Scotland* declared to be Treason, and the Committers thereof are appointed to be punished with the same Pains and Forfaultures as Committers of Treason, and that after the First Day of *July* aforesaid, the fore-said Acts of Parliament in *Scotland* will have no force nor effect, seeing no Facts nor Offences are to be deemed Treason within *Scotland* after that



time, but such as are so by the Acts and Statutes now in force in *England*; Be it therefore by the Authority aforesaid further Enacted, That Theft in Landed Men, Murder under Trust, Wilful Fire-raising, Firing Coalheughs, and Assassination, which were declared to be Treason by particular Statutes in *Scotland*, shall after the foresaid time be only adjudged and deemed to be Capital Offences, and the Committers thereof shall be only liable to such Pains and Punishments as by the Law of *Scotland* are to be inflicted upon the Committers of Capital Crimes and Offences, and the Persons Committers thereof are to be punished and tried in the same manner as by the Laws of *Scotland* is provided in the Cases of other Capital Crimes; Any thing in this Act to the contrary notwithstanding.

And be it also Enacted by the Authority aforesaid, That if any person shall, from and after the said First Day of *July*, slay any of the Lords of Session, Lords of Justiciary sitting in Judgment, in the Exercise of their Office within *Scotland*, that the doing thereof shall be construed, adjudged and taken to be High Treason.

And be it further Enacted by the Authority aforesaid, That from and after the said First Day of *July*, if any person Counterfeit Her Majesties Seals, appointed by the Twenty fourth Article of the Union, to be kept, used and continued in *Scotland*, that the doing thereof shall be construed and adjudged to be High Treason.

Provided always, and be it further Enacted by the Authority aforesaid, That after the Decease of the person who pretended to be Prince of *Wales*, during the Life of the late King *James*, and since pre-

tends



ends to be King of *Great Britain*, and at the end of the Term of Three Years after the immediate Succession to the Crown, upon the Demise of Her present Majesty, shall take effect, as the same is and stands limited by an Act made in the First Year of the Reign of their late Majesties King *William* and Queen *Mary*, Intituled, *An Act for Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, and by One other Act made in the Twelfth Year of the Reign of his late Majesty King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*, no Attainder for Treason shall extend to the Disheriting of any Heir, nor to the Prejudice of the Right or Title of any Person or Persons, other than the Right or Title of the Offender or Offenders, during his, her, or their Natural Lives only; And that it shall and may be Lawful to every Person or Persons to whom the Right or Interest of any Lands, Tenements or Hereditaments, after the Death of any such Offender or Offenders, should or might have appertained, if no such Attainder had been, to enter into the same.

And be it further Enacted by the Authority aforesaid, That from and after the Decease of the Person who pretended to be Prince of *Wales*, during the Life of the late King *James*, and since pretends to be King of *Great Britain*, and at the end of the Term of Three Years after the immediate Succession to the Crown, upon the Demise of Her present Majesty, shall take effect, as the same is and stands limited by an Act made in the First Year of the Reign of their late Majesties  
King

# 110 A Collection of the Statutes

King *William* and Queen *Mary*, Intituled, *An Act for Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, and by One other Act made in the Twelfth Year of the Reign of his late Majesty King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*, when any Person is Indicted for High Treason, or Misprision of Treason, a List of the Witnesses that shall be produced on the Trial, for proving the said Indictment, and of the Jury, mentioning the Names, Profession, and Place of Abode of the said Witnesses and Jurors, be also given at the same time that the Copy of the Indictment is delivered to the Party Indicted, and that Copies of all Indictments for the Offences aforesaid, with such Lists, shall be delivered to the Party Indicted, Ten Days before the Trial, and in presence of Two or more Credible Witnesses; Any Law or Statute to the contrary notwithstanding.

7 *Annæ.*

7 Annæ. Cap. 25.

*An Act for making Perpetual an Act for the better Preventing the Counterfeiting the Current Coin of this Kingdom, &c.*

Whereas the Temporary Laws following, which by Experience have been found Beneficial and Useful, are Expired or near Expiring; Therefore for Continuing the same, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That an Act made in the Session of Parliament held in the Eighth Year of the Reign of his late Majesty King *William* the Third, of Glorious Memory, Intituled, *An Act for the better Preventing the Counterfeiting the Current Coin of this Kingdom*, which was to Continue for one Year, was by a Clause in another Act made in the Ninth Year of his said Majesties Reign, Continued in Force unto the Five and twentieth Day of *March*, One thousand seven hundred and one; and which Act was further Continued by an Act made in the First Year of her present Majesties Reign, till the Five and twentieth Day of *March*, One thousand seven hundred and nine, and from thence to the End of the First Session of Parliament then next ensuing, shall be, and is hereby Continued, and shall be in Force, and is hereby made Perpetual,

And

And whereas by an Act made in the Eighth Year of his late Majesties Reign, Intituled, *An Act for the better Preventing the Counterfeiting the Current Coin of this Kingdom*, It is Ordained, That no Prosecution shall be made for any Offence against the said Act, unless such Prosecution be Commenced within Three Months after such Offence committed ; Be it Enacted by the Authority aforesaid, That the Prosecution of such Person or Persons as offend against the said Act, by Making or Mending, or beginning or proceeding to Make or Mend any Coining Tool or Instrument therein Prohibited, or by Marking of Money round the Edges with Letters or Grainings, may be Commenced at any time within Six Months after such Offence committed ; Any thing in the said Act to the contrary in any wise notwithstanding.

*These*

*These Transcripts of the several Statutes, and Parts of Statutes, now in Force, relating to High Treason, and Mispri-  
 sion of High Treason, have  
 been perused.*

J. Holt.

Tho. Trevor.

Edw. Ward.

John Powell.

Littleton Powys.

Jo. Blencowe.

H. Goulde.

R. Tracy.

Tho. Bury.

Ro. Price.

Robert Dormer.

S. Lovell.



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S T A T U T E S.

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Admiral.

Treason at Sea to be Tried by *Quorum* of  
Four, on Commission to Admiral, &c.  
28 H. 8. Pag. 10, 11, 12

Assassina<sup>ts</sup>.

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After the Pretenders Death, and Three Years after the Succession to the Crown, after the Queens Demise, shall take effect, as limited, &c. no Attainder for Treason shall prejudice the Right of any other than the Offender, 7 *Ann.* p. 109

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Counterfeiting of Foreign Coins, current in this Realm, is Treason, 25 *Edw. 3.* 1 *M. Sess. 2.* 1 & 2 *P. & M.* p. 6, 21, 22, 24, 25, 26

Trials concerning Coin Current in this Realm, to be at the Common Law. p. 23, 24, 25, 26

To File, Clip, Wash, or Round any Coin of this Realm, or that by Proclamation is current, is Treason, 5 *Eliz.* p. 43, 44

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These Offences make no Corruption of Blood. p. 45

It is Misprision to Counterfeit any kind of Gold or Silver Coins, though not current in the Realm, 14 *Eliz.* p. 51, 52

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Counterfeiters of the Coin to have no Benefit of the Treason Act, 7 *W. 3.* p. 82

None,

## fozgoing Statutes.

None, except employed in the Mint, &c. to make or mend any Dye, &c. nor make any Edging Tool, nor have in their Custody any Puncheon, &c. on pain of High Treason, 8 & 9

*W. 3.* *p. 83, 84, 85*  
Conveying out of the Mint any Instrument of Coining, is Treason. *p. 85*

Marking the Edges of Counterfeit Coin, or Guilding, or making Round Blanks to be Stampd, is Treason. *p. 86*

Puncheon, Dye, &c. found in any ones Custody, to be produced in Evidence, and then destroyed, and Counterfeit Money also, *p. 87, 88*  
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Refuser



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- How the Oath shall be expounded. *p. 39*
- Every Parliament-Man to take it. *p. 39, 40*
- No Temporal Person, of or above the Degree of a Baron, compelled to take it. *p. 40*
- None but Ecclesiastical Persons, and such as neglect or deprave Divine Service, compelled to take it upon the second Tender. *p. 41*
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- All Persons in Office Ecclesiastical or Civil, to take the Oaths. *p. 67*
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The new Oaths appointed by this Act. *p. 72*

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NEW Cases of Treason to be decided in Parliament, 25 *Ed. 3.* *p. 39, 40*

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The Act for Regulating Trials in Treason, not to extend to Impeachments, or Proceedings in Parliament, 7 *W. 3.* *p. 8*

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### Peers.

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- Whosoever shall maintain Foreign Authori-  
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*p.* 26, 27  
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*p.* 28  
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Maintainers of the Authority of the Bishop or  
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Persons educated in Seminaries, not returning within 6 Months, and submit and take the Oath, guilty of Treason. p. 6

Not to extend to Jesuits, &c. submitting and taking the Oath, &c. p. 6

None submitting, to come within 10 Miles of the Queen. p. 6

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Justice-Court, &c. to enquire by the Oaths of 12 Men of the County, of all Treasons, &c. p. 104, 105

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### Trials.

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Witness for Prisoner, on Trial for Treason or Felony, to be sworn; Penalty for wilful Perjury, 1 *Annæ.* p. 93

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**F I N I S.**



A  
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A N D  
M E T H O D  
O F

**Trial of Commoners,**

In Cases of

**HIGH TREASON,  
A N D**

**Misprision of High Treason,**

Pursuant to the Statute made in the Seventh Year of the Reign of the late King *William* the Third, of *England*, &c. Intituled, *An Act for Regulating of Trials in Cases of Treason and Misprision of Treason*: And also in Cases of other Treasons and Misprisions of Treason, not restrained to the Method directed in that Statute; but remain Triable, and to be Proceeded upon according to the Course of the Common Law.

---

L O N D O N, Printed by the Assigns of *Thomas Newcomb*, and *Henry Hills*, deceas'd; Printers to the Queens most Excellent Majesty. 1710.

## A Table to the, &c.

### Witness.

**N**O Indictment or Arraignment without two Witnesses, or Confession, 1 *Ed. 6.* 5 & 6 *Ed. 6.* 1 *Eliz.* p. 16, 19, 29

None to be tried but on Oath of two Witnesses, either both to the same Overt-Act, or one of them to one, and the other to another Overt-Act of the same Treason, 7 *W. 3.* p. 78

If two Treasons of divers kinds be alledged in one Indictment, one Witness to prove one, and another to prove another, shall not be taken to be two Witnesses to the same Treason. p. 79

Indicted to have Process of the Court to compel his Witnesses to appear for him. p. 80

Witness for Prisoner, on Trial for Treason or Felony, to be sworn; Penalty for wilful Perjury, 1 *Annæ.* p. 93

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**F I N I S.**

A  
F O R M  
A N D  
M E T H O D  
O F

**Trial of Commoners,**

In Cases of

**HIGH TREASON,  
A N D**

**Misprision of High Treason,**

Pursuant to the Statute made in the Seventh Year of the Reign of the late King *William the Third, of England, &c.* Intituled, *An Act for Regulating of Trials in Cases of Treason and Misprision of Treason*: And also in Cases of other Treasons and Misprisions of Treason, not restrained to the Method directed in that Statute; but remain Triable, and to be Proceeded upon according to the Course of the Common Law.

---

L O N D O N, Printed by the Assigns of *Thomas Newcomb*; and *Henry Hills*, deceased; Printers to the Queens most Excellent Majesty. 1710.

---

We

*We do Approve of this Method  
of Trials.*

J. Holt.  
Tho. Trevor.  
Edw. Ward.  
John Powell.  
Littleton Powys.  
Jo. Blencowe.  
H. Goulde.  
R. Tracy.  
Tho. Bury.  
Ro. Price.  
Robert Dormer.  
S. Lovell.



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A  
F O R M  
A N D  
M E T H O D  
O F  
Trial of Commoners,  
In Cases of  
**High Treason,**  
A N D  
Misprision of High Treason, &c.



**W**HEN a Commission of *Oyer and Terminer* is Granted under the Great Seal, Four of the Lords, or other Commissioners (*unus Quorum*) therein named, must make a Precept under their Hands and Seals in Parchment, directed to the Sheriff of the County, or the Steward of a Stewartry, that is not subject to,

# The Trial of Commoners

to, or dependent upon any County, wherein the Session of *Oyer* and *Terminer* is to be held and kept; bearing date Fifteen Days at least before the Day of Holding the Session: As followeth, *viz.*

**T**HE Name of the County. *ff.* A. B.  
 Miles ————— C. D. ————— E. F.  
 ————— G. H. ————— with their Additions as they are Titled in the Commission, *Iustic dñe Dñe Regine p Literas Patent ipius Dñe Regine, nobis & al & aliquib⁹ quatuor vel plurib⁹ nrm confect, ad Inquirend p Sacrm pboꝝ & leglind hoind de Com ————— pꝛeꝛ, ac aliis viis modis & mediis quib⁹ melius sciverimus aut poterimus tam infra Libertatē quā extra, p quos rei veritas melius Sciri poterit & inquirei, de quibuscunqꝫ proditiōib⁹ Misprisionib⁹ Proditiōe Insurrectiōib⁹ Rebellionib⁹ Controꝛtur Consur loꝛtur fliis fabricatiōib⁹ & al stitatib⁹ monete hujus Regni*

The Description of the Offences enumerated, must agree with the words in the Commission.

*Dñe Regine Magne Britannie & alioꝝ Regnoꝝ sive Dñioꝝ quoꝝcunqꝫ infra Com pꝛ tam infra Libtates quā extra p quoscunqꝫ & qualitercunqꝫ hic facere perpetrare sive comitti & p quos vel per quem cui vel quib⁹ quando qualiter & quomodo, ac de aliis Articulis & Circum-*

# in Cases of High Treason.

7

cumstanc pmissa & eoz quodlibet seu  
eoz aliquod vel aliqua qualitercunq con-  
cernend plenius veritatem Et ad easdem  
proditiones & al pmissa hac vice Audiend  
& Terminand scdm leges & Statuta in  
huiusmodi casib edic & pvis, assign: Die  
eiusdm Com salutem, Ex parte dñe Dñe  
Regine nunc, Tibi precipimus qd non o-  
mitte ppter aliquam Libertat in Ballia tua,  
quin Venire facias coram nobis & al  
Sociis nris Justic pzed vel aliquibus  
quatuor vel plurib nrm apud \_\_\_\_\_  
in Com pzed, die \_\_\_\_\_ die \_\_\_\_\_  
pr' futur omnes Prison in Gaola dñe  
Dñe Regine Com tui existend p causis  
pdice vel aliqua eaz, unacum eoz At-  
tach Indictament & omib al Adminiculis  
Prison ille qualitercunq tangend Ac viginti  
quatuor tam Milites quam alios ppos  
& legles hoies Com pzed ad faciend &  
recipiend ea omnia & singla que eis ex  
parte dicte Domine Regine tunc & ibi-  
dem injungentur publice etiam Procla-  
mari fac p totu Comitatu tuu qd omnes  
illi qui sequi voluine Illus prison ille  
tunc sint ibi Illus eos put iustum fue-  
rit psecutus, Scire fac etiam omib  
Justic pacis Major & Balliis Libertat  
Com tui, qd tunc sint ibi ad faciend ea  
que ad Officia sua ptinent Et qd Tuise  
& Subvic tuus unacu Balliis & Mini-  
stris

# 8 The Trial of Commoners

scis tuis, tunc scis ibi in propriis plon-  
nis vris ad faciend ea que ad Officia  
vra ptinent in hac parte fiend. Et heas  
ibi noia Jur Justie pacis Major & Bal-  
lioꝝ pꝛed & eoꝝ p quos eis sic Scire fe-  
ceris Et hoc pceptum. Dae apud —

— die — Anno Regni Dñe nre  
Anne Dei Gra Magne Britannie Franc  
& Hibnie Regine fidei Defensoris, &c. —

If the Session is to be holden within a Stewartry  
that is not subject to, or dependent upon any  
County, then the Precept must be directed *Senes-  
challo ejusdem Seneschalatus* : And instead of *Comi-  
tatus*, the word *Seneschalatus* must be used through-  
out.

The Precept to be Signed and Sealed by Four of  
the Commissioners at least, One whereof must be  
of the *Quorum* : And to be delivered to the Sher-  
riff or Under-Sheriff speedily ; or to the Steward  
of such Stewartry.

When the Lords, or other the Queens Justices  
and Commissioners meet on the Day and Place  
for Holding the Session, appointed by the Precept,  
Four of them, whereof One must be of the *Quo-  
rum*, (having One of them learned in the Law,  
as Chairman) Assemble in the Session-House, and  
direct the Clerk of the Arraignments to call the  
Court : who (having first Writ down the Names  
of the Lords, and other Commissioners present)  
thereupon bids the Cryer to make three Oyez, and  
repeat after him the Proclamation, thus,

Cryer.



# In Cases of High Treason.

9

Cryer. *My Lords the Queens Justices straightly charge and command all manner of Persons to keep Silence, and hear Her Majesties Commission of Oyer and Terminer for the County of ——— openly read, upon pain of Imprisonment.* Then

Cl. Arr. Reads the Commission. And that being done, bids the Cryer say, *God save the Queen.*

Cl. Arr. Bids the Cryer make one Oyez, and then repeat after him thus ; *All manner of Persons that have to do before my Lords the Queens Justices of Oyer and Terminer, for this County of ——— draw near, and give your Attendance.*

Cl. Arr. Bids the Cryer repeat : Sheriff of this County of ———

Sheriff to be called to Return the Precept.

*Return the Precept to you directed and delivered, for Summoning a Session of Oyer and Terminer, to be holden here this Day, upon pain and peril shall fall thereon.* Then Sheriff or Under-Sheriff to deliver the Precept and

Return *propria manu* to the Chairman, who delivering it immediately to the Clerk of the Arraignments :

The Sheriff to Return the Precept indorsed, thus, *Executio istius precepti patet in quibus-*

*dam schedulis huic annexis*, with his Name thereunto Subscribed, and a List in Parchment of the Names of the Justices of Peace, Mayors, and Bailiffs of Liberties : and another List of the Names of the Grand Jurymen, with their Additions of Title and Places where they dwell, annexed to the Precept.

Note, The Justices of Peace and Mayors are to prove such Informations and Examinations as have happened to be taken before them, concerning any Prisoners ; and the Bailiffs of Liberties to prove their Summons of those Grand Jurymen which make default, and do not appear.

Cl. Arr. Bids the Cryer call all the Justices of Peace, Mayors, and Bailiffs of Liberties, thus,

I. All

# The Trial of Commoners

1. *All Justices of Peace within this County of — Answer to your Names, as you shall be called, every one at the first Call, upon pain and peril shall fall thereon.*

2. *All Mayors and Bailiffs of Liberties within this County, Answer to your Names as you shall be called, every one at the first Call, upon pain and peril shall fall thereon.*

And then the Clerk of the Arraignments marketh with a dot or stroke of Ink, the Names of all that do Appear : because those which make Default may be Fined, if the Court please ; or their Defaults spared, and marked *parcatur*, if the Court think fit.

The Grand Inquest to be called.

*Cl. Arr.* Bids the Cryer call the Grand Jury, thus,

*You good Men of the County of ——— Summoned to Enquire for our Sovereign Lady the Queen, and the Body of this County, Answer to your Names, as you shall be called, every one at the first Call, on pain and peril that shall fall thereon.*

And having marked the Names of all who Appeared,

Defaulters to be called.

*Cl. Arr.* Bids the Cryer call the Defaulters, thus,

*You good Men that were even now called, and made Default, Answer to your Names, and save your Fines.*

*A. B.* (without his Addition) *Come forth, or you lose 100 s. in Issues.* So of the rest.

The Sheriffs Bailiff to be called to prove the Summons given to the Defaulters.

*Cl. Arr.* Bids the Cryer, *Swear the Bailiff* (laying his Right Hand on the New Testament) *a voir dire*, thus,

You shall true Answer make to what the Court shall  
mand of you : So help you God.

Kiss the Book.

Cl. Arr. Bailiff, By the Oath you have taken,  
did you Summon A. B. of ——— to Appear here  
his Day to serve upon the Grand Inquest ?

Let the Bailiff answer, when, and how, viz.  
what Day, and in Person, or by Ticket left at his  
house, with himself, or with whom. And so  
of all that make Default.

Cl. Arr. Turning his Face to the Court, and  
acquainting them how many have appeared, saith  
to the Chairman, Who will your Lordship please  
shall be Foreman ? And the Chairman naming  
him,

Cl. Arr. Calls the Foreman, and  
bids him lay his Right Hand on  
the Book, and bids all the rest of  
the Grand Jury who did Appear, hearken to the  
Foremans Oath.

Swear the  
Grand Jury.

Cl. Arr. You shall diligently En-  
quire, and true Presentment make, of  
all such Matters and Things as shall  
be here given you in Charge, or otherwise come to  
your Knowledge, touching this present Service : The  
Queens Majesties Counsel, your own, and your Fellows,  
you shall well and truly keep secret. You shall present  
no Person for Hatred, Malice, or ill Will ; nor leave  
any thing unpresented for Fear, Favour, or Affection,  
or for any Reward, Hope, or Promise thereof : But in  
all your Presentments you shall present the Truth, the  
whole

The Fore-  
mans Oath.

1. *All Justices of Peace within this County of — Answer to your Names, as you shall be called, every one at the first Call, upon pain and peril shall fall thereon.*

2. *All Mayors and Bailiffs of Liberties within this County, Answer to your Names as you shall be called, every one at the first Call, upon pain and peril shall fall thereon.*

And then the Clerk of the Arraignments marketh with a dot or stroke of Ink, the Names of all that do Appear : because those which make Default may be Fined, if the Court please ; or their Defaults spared, and marked *parcatur*, if the Court think fit.

The Grand Inquest to be called.

Cl. Arr. Bids the Cryer call the Grand Jury, thus,

*You good Men of the County of — Summoned to Enquire for our Sovereign Lady the Queen, and the Body of this County, Answer to your Names, as you shall be called, every one at the first Call, on pain and peril that shall fall thereon.*

And having marked the Names of all who Appeared,

Defaulters to be called.

Cl. Arr. Bids the Cryer call the Defaulters, thus,

*You good Men that were even now called, and made Default, Answer to your Names, and save your Fines.*

A. B. (without his Addition) *Come forth, or you lose 100 s. in Issues.* So of the rest.

The Sheriffs Bailiff to be called to prove the Summons given to the Defaulters.

Cl. Arr. Bids the Cryer, *Swear the Bailiff (laying his Right Hand on the New Testament) a voir dire, thus,*

*You shall true Answer make to what the Court shall  
mand of you : So help you God.*

*Kiss the Book.*

*Cl. Arr. Bailiff, By the Oath you have taken,  
did you Summon A. B. of ——— to Appear here  
his Day to serve upon the Grand Inquest ?*

*Let the Bailiff answer, when, and how, viz.  
what Day, and in Person, or by Ticket left at his  
house, with himself, or with whom. And so  
of all that make Default.*

*Cl. Arr. Turning his Face to the Court, and  
acquainting them how many have appeared, saith  
to the Chairman, Who will your Lordship please  
shall be Foreman ? And the Chairman naming  
him,*

*Cl. Arr. Calls the Foreman, and  
bids him lay his Right Hand on  
the Book, and bids all the rest of  
the Grand Jury who did Appear, hearken to the  
Foremans Oath.*

*Swear the  
Grand Jury.*

*Cl. Arr. You shall diligently En-  
quire, and true Presentment make, of  
all such Matters and Things as shall*

*The Fore-  
mans Oath.*

*be here given you in Charge, or otherwise come to  
your Knowledge, touching this present Service : The  
Queens Majesties Counsel, your own, and your Fellows,  
you shall well and truly keep secret. You shall present  
no Person for Hatred, Malice, or ill Will ; nor leave  
any thing unpresented for Fear, Favour, or Affection,  
or for any Reward, Hope, or Promise thereof : But in  
all your Presentments you shall present the Truth, the  
whole*



*whole Truth, and nothing but the Truth, according to the best of your Skill and Knowledge: So help you God.*

*Sir, Kifs the Book*

And a Line being drawn from the Foreman's Name, mark him Sworn, thus-----*Jur' prior*

*Cl. Arr.* Then calls the rest of the Grand Jury by Three at a time, and their Right Hands being laid on the Book, Cryer Swears them, thus,

*The same Oath that A. B. your Foreman hath now taken before you on his part, you, and every of you, shall well and truly observe and keep on your respective parts. So help you God. And must severally kifs the Book*

And having Sworn Seventeen, Nineteen, or One and twenty, being an odd number to avoid the Inconvenience of an equal number upon their Division of Voices, to retard the Finding or not Finding of any Bill, tho' there must Twelve at least agree to the Finding of any Bill of Indictment brought before them.

The *Cl. Arr.* strikes a Line from every Name sworn, thus,-----and then marks them-----*Jur'*

*Cl. Arr.* Bids the Cryer count them, naming to him the Foreman first, and the rest that are marked Sworn, as they are written in order, beginning at the top of the Pannel of their Names.

*Cl. Arr.* Saith to the Cryer, *Count these.*

*Cl. Arr.* Sir *A. B.*

Cryer. *One.*

*Cl. Arr.* *C. D.*

Cryer. *Two.*

And so until all are counted: And their Number being agreeable as the Court requires: Then

*Cryer*

## in Cases of High Treason.

13

Cryer Asketh them, If they be all Sworn. If they are all Sworn,

*Cl. Arr.* To ask the leave of the Court, If they will please to discharge those which did appear in the Grand Jury, and are not Sworn, to depart the Court about their own Occasions. And to call them as the Court directs.

*Cl. Arr.* Bids the Cryer make one Oyez, and repeat thus, *My Lords the Queens*

*Justices Command all Justices of Peace, and other Officers that have*

*Authority to take any Inquisitions, Recognizances, Examinations, or In-*

*formations of Offences inquirable by Her Majesties Commission of Oyer and Terminer, within this Coun-*

*ty of ——— That they forthwith deliver the Records of the same into this Court : And all others to*

*keep Silence whilst the Charge is in giving, upon pain of Imprisonment.*

Proclamation  
to Return Re-  
cognizances, In-  
formations, &c.

The Chairman gives the Charge to the Grand Jury, setting forth their Duty, and the Matters inquirable by them, &c.

*Cl. Arr.* Must File all Recognizances, and keep safe all Examinations or Informations, delivered in by the Justices of Peace.

*Cl. Arr.* Whilst the Charge is in giving, to make for the Foreman a Copy in Paper of the Names of all Sworn on the Grand Jury, for him to know his Fellows, and call them by their Names, and collect their Voices in agreeing to Find, or not agreeing to Find any Bills brought before them.

*Cl. Arr.* And to deliver the whole Pannel Returned, to the Sheriff or his Under-Sheriff, to inclose in Parchment a Pannel of those only which  
are

## 14 The Trial of Commoners

are Sworn, with their Additions, putting the Foreman's Name first, and the rest which are Sworn, as their Quality is, or as they are written in Order, and Sworn, in the Pannel Return with the Precept; and draw down against the Names of all which are Sworn and Written in the Small Pannel, a Column thus  $\frac{3}{2}$  and make *Jur'*, and the Sheriff to put his Name to the Pannel.

Sheriff or Under-Sheriff forthwith to Examine and deliver to the Clerk of Arraignments the Pannel of the Grand Jury which are Sworn, to be Filed on the Lace, with the Precepts and Schedules therewith Returned.

*Cl. Arr.* After the Charge is given, bids the Cryer Swear a Bailiff to keep the Grand Jury thus, (Lay his Right Hand on the Testament)

Oath of a Bailiff to keep the Grand Jury, &c.

*You shall diligently attend this Grand Jury, during this Session of Oyer and Terminer: You shall safely carry them all such Indictments, Informations, and other Writings as shall be delivered to you by the Court: And the same when re-delivered to you by the Grand Inquest, you shall bring back again, and deliver them safe to the Court, without any Alteration thereof.*

So help you God

The Grand Jury use to go into some convenient Room provided for them, near the Court to hear the Evidence on the Bills brought to them, and to proceed together in their Business

## in Cases of High Treason. 15

*Cl. Arr.* Bids the Cryer call the Prosecutors where any are bound to Prosecute ) to prefer their Bills, thus,

A. B. *Come forth and Prosecute against C. D. or else you forfeit your Recognizance.*

And those that are upon Bail, and Bound to answer, thus,

F. H. *Come forth, Save thee and thy Bail, or else you forfeits thy Recognizance.*

Call his Bail, thus,

I. K. *Bring forth F. H. whom you undertook should Appear here this Day, or else you forfeit your Recognizance.*

*Cl. Arr.* Bids the Cryer Swear the Witnesses, whose Names are Indorsed on any Bill of Indictment, thus,

*The Evidence which you shall give to the Grand Inquest upon this Bill of Indictment against O. P. and Q. R. shall be the Truth, the whole Truth, and nothing but the Truth: So help you God.*

*Kiss the Book.*

Mark to every Witnesses Name which is Sworn----*jur*

One of the Grand Jury should come from his Fellows, and see the Witnesses Sworn to every Bill, and take the Bill and Witnesses along with him, to be Examined before all the Grand Jury; And the Witnesses are to Attend the Court again, after they have been Examined by the Grand Jury, and not go away until Dismissed by the Court.

If any Bill of Indictment be exhibited against any Person or Persons, and the Grand Jury do Find the Bill, then the Foreman, or some of them,  
In-

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Indorse and Write on the Back of the Bill the words, *Billa vera*.

If there be more Persons than one Indicted on one Bill, and the Grand Jury have Evidence to satisfy themselves to Find the Bill against one or more, and not against some others, then the Grand Jury must Indorse their Bill thus, *Billa vera quoad A. B. & C. D. Ignoramus quoad E. F. & G. H.*

If the Grand Jury have not Evidence to satisfy them to Find a Bill against any one Person Indicted in the Bill; then they must Indorse such Bill *Ignoramus*.

*Note*, If the Grand Jury, upon a Division of Voices concerning the Finding or not Finding of any Bill, come into Court to Declare their Opinions; it's usual to Collect Voices from the last in the Pannel, and so backwards up to the first; whereby the Foreman Declares his Opinion last, for or against the Finding of the Bill. After having heard Evidence, Twelve must agree to Find it *Billa vera*, or else Indorse it *Ignoramus* and deliver it into Court, to be Filed among other Bills.

When the Grand Jury have agreed upon the Finding or not Finding of any Bill before the Court, and Indorsed it accordingly (as is above mentioned) then they are to bring the same into the Court.

*Cl. Arr.* When the Grand Jury comes into Court faith, *You, Gentlemen of the Grand Inquest, Answer to your Names.*

And when he hath called them over by the Pannel, he asketh, *Gentlemen, Are you agreed on any Bills?*



## in Cases of High Treason. 17

If they be agreed on any, he takes them, and saith;

Cl. Arr. You are content the Court shall Amend Matter of Form and false Latin, altering no Matter of Substance, without your Privy.

Then he separates the Bills Indorsed *Billa vera*, from those Indorsed *Ignoramus*: And then standing, turneth towards the Judges, and saith;

*Billa vera against A. B. for High Treason:*  
*Billa vera against C. D. for Misprision of High Treason.*

*Billa vera against F. G. for High Treason:*  
*Ignoramus quoad H. I. upon the same Bill for High Treason.*

If an Indictment be Returned by the Grand Jury *Billa vera quoad* some of the Partics Indicted, and *Ignoramus quoad* the rest: Immediately strike a score with Ink through the Names of those returned *Ignoramus*; that the Bill may be *Substantive quoad* those against whom it was Returned *Billa vera*, and as if the rest had not been indicted.

If any of the Bills of High Treason or Misprision of High Treason, found by the Grand Jury, be such an High Treason or Misprision of High Treason, as that the Trials thereof are regulated by the Statute made in the Seventh Year of King William the Third aforementioned; Then the

Cl. Arr. Must call to the Keeper of the Prison, to bring such Prisoner, for such High Treason, to the Bar of the Court; and the Clerk of Arraignments, to distinguish his Person, must bid him hold up his Hand, and may ask him what his Name is? and what Name and Title he is commonly known by? (if his Title be of Quality.) And

G

if

if he own the Name and Addition of Title given him in the Indictment, then tell him, He stands here Indicted by that Name of High Treason: And tell him, If he require a Copy of the Indictment (paying for it) he shall have it delivered to him, Five Days at least before he be Tried for the same, to advise with Counsel to Plead and make his Defence. But if the Name or Title of such Prisoner be mistaken, the Grand Jury should be sent for into Court, and the Name of the Prisoner and his Title which he owns before them, must be made right in the Indictment, by and with the privity and consent of the Grand Jury, who after the Bill is Amended, must take it into some of their Hands, and deliver it back into Court, Indorsed *Billa vera*.

*Cl. Arr.* To repeat again, *Billa vera against A. B. for High Treason.*

But if any Prisoner be Indicted for such Misprision of High Treason, to be Tried according to the Statute, as abovementioned; the Clerk of Arraignments must call to the Keeper to set him at the Barr, and know his Name; but not to Disgrace him, by making him hold up his Hand, (his Offence of Misprision not being Felony.) He is to have like Copy of his Indictment, and Trial for Misprision, as the other Prisoner for the High Treason; Saving that for the Misprision, the Clerk of Arraignments, at the Prisoners time of Pleading, doth not bid him hold up his Hand, but tells him, He stands Indicted of ~~Misprision~~ of High Treason, by the Name of --- For that he --- *&c.* and asketh him, Whether he be Guilty of that Offence of Misprision, or not Guilty? and takes his

## in Cases of High Treason. 19

his Confession, or Plea only, and doth not ask him, How he will be Tried? as he is used to do in Cases of Treason, or Felony.

If there be no other Prisoners then, for the like Treason, and Misprision of Treason, to be Tried according to the Statute as is last abovementioned, then the Court may Adjourn for Seven or eight Days, so that Copies of the Indictments may be made and delivered to the Prisoners last abovementioned respectively, for the High Treason and Misprision of High Treason whereof they are Indicted, Five Days at least before they are to Plead to their Indictments.

*Cl. Arr.* As soon as he can, should make a Court-Paper of the Day and Place of the Sessions, the Names of the Justices present, and the Names of the Persons Indicted, and for what, briefly, and deliver it to the Chairman, to inform him of the Names of the Prisoners and Persons Indicted, and their Offences; for him to write his own Notes upon, as the Proceedings shall require.

*Cl. Arr.* Know from the Chairman to what time he is pleased the Court should be adjourned, and send to the Grand Jury, call them over, and adjourn them to that time, thus,

*Cl. Arr.* Gentlemen of the Grand Inquest, the Court dismisseth you for this time, and enjoyns you, on pain of 10 l. apiece, to give your Attendance here again at Three of the Clock in the Afternoon; and to Morrow Morning at Eight of the Clock; and on the — Day of — at Eight of the Clock in the Forenoon.

*Cl. Arr.* Bid the Crier make Three Oyez; and repeat, thus,

# The Trial of Commoners

Adjournments of  
the Court, *de hora  
ad horam; vel, de die  
in Crastinum; vel,  
ad ulteriorem diem.*

All manner of Persons that  
have any more to do before my  
Lords the Queens Justices (and  
other Commissioners) of Oyer and  
Terminer for this County of—  
may depart hence at this time, and give their At-  
tendance here again at Three of the Clock in the  
Afternoon; or, to Morrow Morning at Eight of  
the Clock; or, on the — day of this Instant—  
or, the — day of — next, at Eight of the Clock  
in the Forenoon.

And God save the Queen.

*Memorand.* The Cl. Arr. to write an Entry  
exactly of the Time and Place to which the  
Court is Adjourned.

**T**HE Name of the County. *ff. Memorandum  
ad Sessionem Dñe Regine de*

A Caption of an Indict-  
ment for High Treason, or  
Misprision of High Treason,  
with the true Copy of the  
Indictment it self, and as in-  
cident thereunto; to be deli-  
vered to the party Indicted  
Five days at least before he  
plead, and a Witness must  
attend the Court at the time  
of the Prisoners Pleading,  
to prove the Delivery of the  
Copy of the Indictment to  
the Prisoner, if there should  
be occasion.

*Audiens & Termini-  
nand tene p Dñae Re-  
gina apud — in  
Paroch de — in  
Com — dic —  
die — Anno Reg-  
ni Dñe nre Anne  
Dei Gra Magne  
Britannie Franc &  
Hibnie Regine fi-  
dei Defensoris, &  
— Coram (Four*

Commissioners at least, with their Additi-  
ons as they are Titled in the Commission,  
whereof one must be of the Quor') ac aliis

*Sociis*

Sociis suis Justic dñe Dñe Regine p Litteras Patent ipsius Dñe Regine eis & al quibuscunq quatuor vel plurib eor sub Magno Sigillo suo Magne Britannie confere (Quor pfac J. C. E. F. G. H. ead Dña Regina unum esse voluit) ad Inquirend p Sacram pbor & legliu hominum de Com — pzed ac aliis viis modis & mediis quibus melius sciverint aut poterint tam infra Libtates quā extra p quos rei vitas melius sciri poterit & inquire, de quibuscunq Proditionib<sup>9</sup> Misprisionib<sup>9</sup> prodicōnū Insurrecōnib<sup>9</sup> Rebellionib<sup>9</sup> Controscur Consur lotur flis fabricacōnib<sup>9</sup> & al flitac monete hujus Regni Dñe Regine Magne Britannie & alioz Regnoz sive

Dñioz quozcunq infra Com pzed tā infra Libtates quā extra p quoscunq

The Description of the Offences enumerated must agree with the words in the Commission.

& qualitercunq hic face ppetrae sive commissa & p quos vel p quem cui vel quib<sup>9</sup> quando qualie & quomodo, Ac de aliis Articulis & Circumstantiis pmissa & eor quolibet seu eor aliquod vel aliqua qualitercunq concernend plenius veritatem, Et ad easdem prodicōnes & alia pmissa hac vice Audiend & Terminand scdm leges & Statuta in hujusmodi casib<sup>9</sup> edic & pbiis Alfignd, p Sacram G. B. (naming all the



## 22 The Trial of Commoners

Grand Jurymens Names, without their Additions ) *pbozum & leglium hoid d Com* ——— *pred adtunc & ibm jura & onerae ad Inquirend p dca Dña Regina & Cozpoze Com pred plentar existit put sequitur in hiis verbis sequend : U Com st. Jur p Dña Regina sup Sacm suud plentant Qd, &c. Verbatim* as in the whole Indictment. But not the Names of the Witnesses.

When the Session is held within a Stewartry that is not subject to, or dependent upon any County, and the Precept is directed *Seneschallo Seneschalatus* ; then *Seneschalatus* must be used instead of *Comitatus* throughout the Caption.

The Sitting of the Court upon the first Adjournment made, until after an Intermission of some Days.

When Four or more Justices and Commissioners (*unus Quorum*) Meet at the Time and Place the Court was Adjourned unto, the Clerk of Arraignments must write down the Day and Place, and Names of the Justices which then Meet. And

3 Oyez.

*Cl. Arr.* Bid the Cryer make Three Oyez, and repeat after him thus, *All manner of Persons that have any more to do before my Lords the Queens Justices, (or if no Lord there, before the Queens Majesties Justices) of Oyer and Terminer for this County of ——— And were Adjourned over to this Time and Place, draw near, and give your Attendance.*

*Cl. Arr.*

## in Cases of High Treason. 23

*Cl. Arr.* Bid the Cryer call over the Grand Jury by the Pannel of their Names, and mark who Appear, and desire them to go to some Room near the Court, and keep together, and know where they go, that the Court may send to them upon any Occasion of Business. If any Grand Jurymen should not Appear, whereby Business is Retarded or Disappointed, they ought to be Fined for such Default.

*Cl. Arr.* To deliver the Chairman a Court-Paper of the Day of Sitting upon this Adjournment, the Names of Commissioners present, and of the Prisoners, and others, if any Indicted, and for what Offences.

*Cl. Arr.* *Keeper of the Prison,* Arraignment  
Set A. B. to the Bar. And being of the Prison-  
ers.  
set to the Bar accordingly,

*Cl. Arr.* A. B. Hold up thy Hand : Thou standest here Indicted by the Name of A. B. late of ——— for that thou the ——— Day of ——— (pronounced in the Indictment, but it must be read to him in the Language of Great Britain, and not in the Latin Tongue in which the Indictment is written.) How sayest thou, A. B. Art thou Guilty of this High Treason, or not Guilty ? If the Prisoner answer, *Not Guilty* ; Clerk of Arraignments saith,

*Cl. Arr.* \* *Culprist,* How wilt \* i. e. *Culpabilis es, paratus sum veripcare.*  
thou be Tried ? The Prisoner must answer,

Prisoner. By God and the Country.

*Cl. Arr.* God send thee a good Deliverance.

*Cl. Arr.* Must write over the Prisoners Name on the Indictment, the Time when he Pleaded Not Guilty, thus, *per Adjournament — die —*

## 24 The Trial of Commoners

1709. *po. se. ( id est ) posuit se super patriam.*

If the Prisoner Plead Guilty to the Indictment, write over his Name on the Indictment, *per Adjournament*——die——1709. *Cogn* And then

*Cl. Arr.* Bid the Keeper take him from the Bar.

*Cl. Arr. Keeper, Set C. D. to the Bar.* And he being set to the Bar accordingly, and being Indicted only of Misprision of High Treason, is not required to hold up his Hand at the Bar.

*Cl. Arr. You C. D. stand here Indicted by the Name of C. D.———prout in the Indictment* ( but to be Charged in the Language of Great Britain, as abovesaid. ) And the Prisoner being so Charged with the Indictment, Clerk of Arraignments saith, *Are you Guilty of this Misprision of High Treason, or not Guilty?* If he answer, *Not Guilty.* Enter on the Indictment over his Name, *per Adjournament*——die——1709. *po. se.* or if he Confess, *Cogn* And then bid the Keeper take him from the Bar.

**T**HE Name of the County. *ss. A. B.* with his Title as in the Commission, *C.*

*Venire facias* to the Sheriff for a Jury to try the Prisoners, must be Signed and Sealed by four Commissioners (*unus Quorum*) and *Teste* the day of that Session held by Adjournment when the Prisoners pleaded.

*D.* with his Title, *E. F.* with his Title, and *G. H.* with his Title, *Iusticiarii dñe Dñe Regine p Literas Patenti ipsi Dñe Regine nobis*

*& aliis & quibuscumq; quatuor vel pluribus nrm sub Magno Sigillo suo Magne Britannie*

# In Cases of High Treason. 25

Britannie confect, ad Inquirend p Sa-  
 crm pboꝝ & leglin hoīd de Com pꝛed  
 ac aliis viis modis & mediis quibꝰ  
 melius Sciverimus aut poterimus tam  
 infra Libtates quā extra p quos rei  
 veritas melius Sciri poterit & inquirei  
 de quibꝰcunqꝰ Proditionibꝰ Misprissonibꝰ  
 pdiconum Insurrectionibꝰ Rebellionibꝰ  
 Controftur tonsur lotue flis fabricaconi-  
 bꝰ & al flitae monete hujus Regni Dñe  
 Regine Magne Britannie & alioꝝ Reg-  
 noꝝ sive Dñioꝝ quozumcunqꝰ infra Com  
 pꝛed tam infra Li-  
 btates quā extra  
 p quoscunqꝰ & qua-  
 litercunqꝰ hic face  
 ppetrae sive comisā

The Description of the Of-  
 fences enumerated must agree  
 with the words in the Com-  
 mission.

& p quos vel p quem cui vel quibꝰ quan-  
 do qualie & quomodo Ac de aliis Artic-  
 lis & Circumstantiis pmissa & eoꝝ quod-  
 libꝰ seu eoꝝ aliquod vel aliqua qualiter-  
 cunqꝰ concernēd plenius veritatem Et  
 ad ealdem Prodicōnes & alia pmissa hac  
 vice Audiend & Terminand scdm Leges &  
 Statuta in hujusmodi casibꝰ edic & pvis  
 assign; Dic ejusdm Com salutem. Pre-  
 cipimus tibi qđ non omittas ppter ali-  
 quam Libtatem in Ballia tua quin Ve-  
 nire facias corā nobis & aliis Sociis  
 nris apud \_\_\_\_\_ in Waroch \_\_\_\_\_  
 in Com tuo die \_\_\_\_\_ ril: \_\_\_\_\_

die instantis ————— duodecim p̄bos  
 & legles hoies de vicineto Paroch' —————  
 in Com̄ tuo, Quorum quilibet habeat  
 terras vel tēta annui valoris quadra-  
 ginta solidorum sterlingorum ad minus  
 p̄ quos rei veritas melius Sciri pote-  
 rit, Et qui A. B. nup̄ de (the Prisoner  
 with his Addition as he is in the Indi&-  
 ment) nulla affinitate attingunt Ad re-  
 cogn̄ sup̄ Sacrm̄ suū si p̄dice A. B. Cul-  
 pabilis sit de quibusda Altis proditorib⁹  
 unde Judicat̄ existit Peene, Quia idem  
 A. B. posuit se in Juram̄ illam Et heas  
 ibi tunc nōia Jur̄ p̄v̄ & hoc p̄ceptum.  
 Dat̄ apud ————— in Paroch' —————  
 in Com̄ p̄v̄ ————— die —————  
 Anno Regni dñe Dñe nre Anne Dei Gra  
 Magne Britannie Franc̄ & Hibnie Re-  
 gine Fidei Defensoris, &c. —————

If the Session be held in such a Stewar-  
 try, as is afore-described, then this *Venire* must  
 be directed *Seneschallo ejusdem Seneschalatus*, and  
 instead of *Comitatus* the word *Seneschalatus* is to  
 be used.

Although the Precept be but for Twelve Jurors,  
 yet the Sheriff useth to Return a Pannel of a suf-  
 ficient number of Freeholders; because in cases  
 of High Treason, the Prisoner may peremptorily  
 Challenge Thirty five, and there must so many  
 more appear as to make up a Jury of Twelve to  
 try the Prisoner, besides all those which may du-  
 ly be Challenged.

Note,



## in Cases of High Treason. 27

*Note*, No Person can Challenge peremptorily any of the Jurors, upon Trial for Misprision of Treason, the Offence not being Capital.

*Cl. Arr.* Know from the Chairman to what time he is pleased the Court shall be Adjourned, and send for the Grand Jury, and call them over, and Adjourn them to that time in manner as in the first Adjournment, or Discharge them, if the Court then please, saying to them to this Effect; *Gentlemen of the Grand Inquest, the Court thanketh you for your good Service, and doth Discharge you.*

2d Adjournment of the Court.

*Cl. Arr.* Bids the Cryer make three Oyez, and repeat the Adjournment of the Court in manner as before mentioned, to such day, hour, and place as the Court doth direct.

3 Oyez.

*Cl. Arr.* When Four or more Justices and Commissioners (*unus Quor'*) meet at the time and place the Court was Adjourned to, write down the Day and Place, and Names of the Justices which then meet, and make Proclamation, and call the Court, as at the sitting upon the first Adjournment, which was after an Intermission of some days.

Sitting of the Court upon the second Adjournment, after an Intermission of some days.

3. Oyez.

*Cl. Arr.* Call over the Grand Jury, if they were not Discharged the Sitting before.

*Cl. Arr.* Ask the Under-Sheriff to Return the Jury of Freeholders to try the Prisoners; and unless he have the Precept and Pannel ready, call in Form thus,

Cryer. *Sheriff of this County of ——— Return the Precept to you directed and delivered, for Summoning of a Jury, to try between our Sovereign Lady the Queen, and the Prisoners that shall be at the Bar, Retornable here this day, on pain and peril will fall thereupon.*

Under-Sheriff must indorse on the back of the Precept, *Executio istius praecepti patet in pannello huic annex'*, which Pannel must be in Parchment, Entitled, *The County ss. Nomina Jur' ad Triand' inter Dominam Reginam & ——— Prisonar' ad Barram*, or to that effect; and the Names of all the Freeholders therein written, one under another, with their Additions of their dwelling-places and titles; and the Pannel must have Margin-room to mark their Appearances and Challenges, which may happen, against their Names, and an Inch of room on the right hand side of the Pannel, to draw a Line from their Names which shall be Sworn, and to mark them thus ——— *Jur'* as they are Sworn.

Cl. Arr. Bid the Keeper to set the Prisoners (to be tried) to the Bar, as you shall name to him; and then, that being done, bid the Cryer repeat,

Cl. Arr. *You good men that are Impannelled to try between our Sovereign Lady the Queen, and the Prisoners at the Bar, answer to your Names, every one at the first call, on pain and peril shall fall thereon. Mark those which appear with a visible Speck or Dot before their Names, and Cryer to call those who made Default over again, thus, You of the Jury which were even now called and made Default, answer to your Names, and save your Fines: And mark them*

them which do Appear, and acquaint the Court, how many do Appear in the whole. And call the Witnesses for the Queen, whose Names are Indorsed upon the Indictments against the Prisoners which are to be tried, and know if the Witnesses are all ready.

*Cl. Arr.* Ask the Court which Prisoner they intend shall be tried first, and the Keeper to set him to the Bar, and call to know if the Witnesses against him are all ready, and take away the other Prisoners from the Bar. Ask him who is to be tried, if he have had a Copy of the Pannel of the Jury delivered to him, two days (or more) since; if he should deny it, some witness for the Queen, who delivered the Copy to him, must prove the Delivery thereof.

It's thought most expedient to try but one Prisoner at once, for if more should be tried together, every one having the benefit of Challenging Thirty five peremptorily, may Challenge so many, and make such confusion, as that out of all which appear on the Pannel, there will not be Twelve left to try the Prisoners, and so put off the Trial, till by a new Precept the Sheriff can get a new Jury.

*Cl. Arr.* You A. B. now Prisoner at the Bar, These Men which you shall hear called, and personally appear, are to pass between our Sovereign Lady the Queen and you, upon Trial of your Life and Death; if you will Challenge them, or any of them, you must speak unto them, as they come to the Book to be Sworn, before they be Sworn.

*Cl. Arr.*

*Cl. Arr.* Then call (R. S.) the first Jurymen of the Pannel, bid him look upon the Prisoner, and lay his Right Hand upon the Book, and if the Prisoner do not Challenge him, Cryer to Swear him thus :  
 If the Prisoner Challenge any of the Jury, forbear Swearing them, and Mark them as they are Challenged, with Figures in the Margin against their Names, 1; 2; 3; &c. in order as they are in that Pannel, until he hath peremptorily Challenged Thirty five, and no more.

*Cryer.* You shall well and truly Try, and true Deliberance make, between our Sovereign Lady the Queen and the Prisoner at the Bar, whom you shall have in Charge, and a true Verdict give according to your Evidence, So help you God. *Kiss the Book.*

Then Cryer saith to the *Cl. Arr.* Jur' R. S. and so to proceed on until Twelve be Sworn one by one, each looking on the Prisoner in like manner as the first Jurymen did when he was Sworn.

*Cl. Arr.* Bid the Cryer count these; and naming all the Twelve, the Cryer expresth their Number.

Then he asketh the Jurymen, *Gentlemen, are you all Sworn?* In case any of those Twelve say, He is not Sworn, Swear him, or some other that Appareth (and is not Challenged) in like manner as the others of the Jurymen were Sworn, and count them over again, that you be sure Twelve are Sworn.

*Cl. Arr.* Bid Cryer repeat. *If any one can inform my Lords the Queens Justices, the Queens Sergeant, or the Queens Attorney or Advocate, before this Inquest be taken, between our Sovereign Lady the Queen, and the Prisoner at the Bar, let them come forth*

1 Oyez.

Proclamation to inform and give Evidence at the Trial of the Prisoners.

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forth and they shall be heard ; for the Prisoner stands at the Bar upon his Deliverance : And all others that are bound by Recognizance to give Evidence against the Prisoner at the Bar, come forth and give your Evidence, or else you forfeit your Recognizances.

Cl. Arr. Give the Under-Sheriff the large Pannel to write out the Names and Additions of the Jurymen only which are Sworn, upon a small Parchment Pannel, entitled thus, *Nomina Jur' in' Dominam Reginam & A. B. Prisonar' ad Bar-ram* : And put the Sheriffs Name to it. -

Cl. Arr. A. B. Hold up thy Hand : You of the Jury look upon the Prisoner and bearken to his cause. He stands Indicted in this County of——— by the Name of A. B. late of——— as his Addition is in the Indictment ; for that he——— (reading all the Indictment in the British Tongue, and not in Latin, to the end of it.)——— Upon this Indictment he hath been lately Arraigned, and thereunto hath pleaded Not Guilty ; and for his Trial hath put himself upon God and the Country, which Country you are. Your Charge is, to Inquire whether he be Guilty of this High Treason, in manner and form as he stands Indicted, or not Guilty. If you find him Guilty, you shall Inquire what Goods or Chattels, Lands or Tenements he had, at the time of the said High Treason committed, or at any time since. If you find him not Guilty, you shall Inquire whether he Fled for it : If you find that he did Fly for it, you shall Inquire of his Goods and Chattels, as if you had found him Guilty. If you find him not Guilty, and that he did not Fly for it, say so, and no more, and bear your Evidence.

Cl. Arr.



# The Trial of Commoners

*Cl. Arr.* If the Queens Counsel or Attorney do not open the cause, and speak to it, which this is their proper time to do, then *Cl. Arr.* to call the Witnesses indorsed on the back of the Indictment, and bid them lay their Right Hands upon the Book, and Swear them to give their Evidence, thus:

Oath of Witnesses for the Queen.

*Cryer.* *The Evidence which you, and every of you, shall give to the Court, and the Jury now Sworn, for our Sovereign Lady the Queen, against the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth:*

So help you God.

After any Witness against the Prisoner hath done giving his Evidence, the Prisoner may ask such Witnesses any Questions.

Oath of Witnesses for the Prisoner.

*Cryer.* *The Evidence which you, and every of you, shall give on the behalf of the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth:*

So help you God.

The Prosecutor first examines the Witnesses produced against the Prisoner, and then the Prisoner may cross examine them, and so the Prisoner first examines his own Witnesses, and after the Prosecutor may cross examine them. The Reply belongs to the Prosecutor.

When all the Evidence for and against the Prisoner, and the Prisoner himself and his Counsel have been heard, and the Chairman hath Summoned up the Evidence to the Jury; then

*Cl. Arr.*

*Cl.*  
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## in Cases of high Treason. 33

Cl. Arr. Bids the Cryer swear a Bailiff to keep the Jury thus: *You shall well and truly keep this Jury without Meat, Drink, Fire or*  
*\* Candle ; you shall not suffer any Per-* \* If in the Night, the word  
*son to speak unto them, nor you your* Candle to be  
*self, unless it be to ask them, whether* omitted.  
*they are agreed of their Verdict, until they shall be a-*  
*greed of their Verdict :*

So help you God.

The Bailiff is to take them to some convenient Room, to be provided for that purpose, and lock them in, and attend at the Door, until they let him know they are agreed, and then let them out, and bring them into the open Court, to give their Verdict when the Court is sitting ; for no Verdict in Cases of Treason, or Misprision of Treason, can be given in private, before any of the Justices, out of Court.

Cl. Arr. When the Jury comes into Court to give their Verdict, say, *Gentlemen of the Jury, answer to your Names.*

Then call them by their Names ( as in the small Pannel of those only which are Sworn ) and hear them answer to their Names. Then say, *Are ye agreed of your Verdict ?* If they say, *Yes.*

Cl. Arr. *Who shall say for you ?* The Jury must answer.

Jury. *The Foreman.*

Cl. Arr. *Keeper, set A. B. to the Bar.*

Cl. Arr. *A. B. Hold up thy Hand.*

Call the Prisoner to the Bar when the Jury give their Verdict.

You of the Jury look upon the Prisoner : How say you, Is A. B. Guilty of the High Treason of which he stands Indicted, or not Guilty ? If they say,

Jury. Guilty.

Cl. Arr. What Goods or Chattels, Lands or Tenements had he at the time of the said High Treason committed, or at any time since, to your Knowledge ?

Jury. None.

Cl. Arr. Add to the po. se. before written over his Name in the Indictment, *\* i. e. Culpabilis, Catalla vel terr' nulls.* Et die---die---1709. *\* Cull' ca. vel terr' null.*

Cl. Arr. Harken to your Verdict as the Court hath Recorded it : You say that A. B. is Guilty of the High Treason whereof he stands Indicted : And you say, he had no Goods or Chattels, Lands or Tenements at the time of the said High Treason committed, or at any time since, to your Knowledge : And thus you say all.

Cl. Arr. Keeper, Take A. B. the Prisoner from the Bar, and look to him, he stands Convicted of High Treason.

Jury. If the Jury say, Not Guilty.

Cl. Arr. Did he fly for it ?

Jury. Not that we know of.

Cl. Arr. Bids the Prisoner, Down upon your Knees, and say, God save the Queen and the Honourable Bench.

Cl. Arr. Add to the po. se. (over his Name in the Indictment) Et die----die----1709. *Non Cull' nec se retraxit, quietus.*

Cl. Arr. Gentlemen of the Jury, Harken to your Verdict, as the Court hath Recorded it : You say,

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## in Cases of High Treason. 35

say, That A. B. is not Guilty of the High Treason whereof he stands Indicted, and that he did not fly for it: And so you say all.

Cl. Arr. Keeper, take away the Prisoner from the Bar.

If the Prisoner be found Guilty, and no other found Guilty for the like Offence but himself.

Cl. Arr. Will your Lordships please that the Prisoner shall be called up to Judgment. If the Court directs so, Call the Prisoner up to Judgment.

Cl. Arr. Keeper, set A. B. to the Bar. And he being set there accordingly,

Cl. Arr. A. B. Hold up thy Hand: Thou hast been Indicted of High Treason, and thereunto hast pleaded Not Guilty, and for thy Trial hast put thy self upon God and the Country, which Country have found thee Guilty: What canst thou now say for thy self why the Court should not give thee Judgment to Die according to the Law?

The Prisoner having alledged and said what he hath to say to the Court on his own behalf, and the Court signifie their Pleasure to give him Judgment,

Cl. Arr. Bids the Cryer make Proclamation once, and repeat, I Oyez before Judgment. thus,

Cryer. My Lords the Queens Justices, and other Commissioners, straightly Charge and Command all manner of Persons to keep silence whilst Judgment is giving, upon pain of Imprisonment.

Chairman or some other Commissioner gives the Judgment.

Cl. Arr

# 36 The Trial of Commoners

Cl. Arr. Keeper, you must take the Prisoner from the Bar.

Cl. Arr. To Enter and add over the Prisoner's Name in the Indictment (to what he had before Entred, as abovesaid) these words, *Habet Judicium prout patet in dorso Indictamenti*, and write the Judgment on the back of the Indictment, because it will be several Lines, and cannot be Entred over the Prisoner's Name in that Line within the Indictment.

Cl. Arr. Bid the Cryer make three Oyez, and Proclamation, as before, for all Persons to depart, and to give their Attendance again at the same place, or at — (some other proper and known Place) in the Parish of — in this County of — on the — Day of — next, at Nine of the Clock in the Forenoon, or Two of the Clock in the Afternoon.

*God save the Queen.*

The High Treasons which are expressly excepted in the Statute above-mentioned, and all other High Treasons not regulated to be tried according to that Statute, or according to some particular Statute-Law; if committed in that County, may be tried by the same Commission of Oyer and Terminer above-mentioned, according to the course of the Common Law of England: And as it now stands, the Prisoners are to have their peremptory Challenges of Thirty five of the Jurors Returned to try them, if they demand it; and by the late Statute made *Primo Annae Reginae*,

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*gine*, Entitled, *An Act for punishing of Accessories to Felonies, &c.* the Witnesses are to be Sworn on the behalf of the Prisoners upon their Trials; but such Prisoners must Plead to, or confess their Indictments, as soon as the Bills are found against them by the Grand Jury, if the Court then cause them to be Arraigned, and require them to Plead; or else the Court may give Judgment against them for refusing to Plead, or for standing Mute: but such Prisoners must not have Copies of the Indictments which are against them, nor the Names of the Jurors returned to try them, delivered to them, nor can *de jure* demand of the Court to assign them Counsel to advise with, but as soon as any of the Prisoners have pleaded Not Guilty, Four of the Justices and Commissioners (*unus Quorum*) may Sign and Seal a Precept to the Sheriff of the County to Return a Jury of Freeholders to appear at some Hour of the same Day in which the Bill was found, and on which the Prisoners have pleaded, or at some Hour of the next or other Day, as the Court shall think fit; and when the Sheriff Returns such Precept with a Schedule of Freeholders Names annexed, and which are Summoned and do Appear, and the Witnesses for the Queen are ready, the Court may proceed to the Trial of such Prisoners.

In Cases where the Prisoner or Witnesses do not understand the *British* Language, Interpreters must be procured, and sworn, as followeth.

*Cl. Arr.* saith to the Interpreter,  
Sir, Lay your Right hand upon the  
Book, and hearken to your Oath:  
*You shall well and truly Interpret unto*

Oath to Interpret to the Prisoner.

I. F. now Prisoner at the Bar, the High Treason whereof he stands Indicted, as the Court shall direct you, and also the Questions and Demands which shall be made by this Court concerning the same Treason, whereof he stands here Indicted; and also shall well and truly Interpret unto this Court the Answers which the said I. F. the Prisoner shall thereunto give : So help you God.

*Kiss the Book.*

Oath to Interpret to a Witness.

Cl. Arr. faith to the Interpreter, Sir, Lay your Right Hand upon the Book, and hearken to your Oath :

You shall well and truly Interpret unto L. M. a Witness here produced on behalf of Her Majesty against I. F. now Prisoner at the Bar, the Questions and Demands which shall be made to the said Witness by this Court concerning the High Treason whereof the said Prisoner stands here now Indicted; and you shall also well and truly Interpret unto this Court the Answers which the said L. M. shall thereunto give : So help you God.

*Kiss the Book.*

Judgment against a Man in all Cases of High Treason; except Treasons concerning the Coin.

Chairman or some other Commissioner, usually making some Preface of Speech to the Prisoner standing before him at the Bar, concerning the High Treason he stands Convicted of, gives Judgment against him, thus,

You A. B. are to be led to the Goal from whence you came, and from thence you are to be Drawn upon a Hurdle to the Place of Execution, and there you are to be Hanged by the Neck, and being alive to be cut down, and your Privy-Members to be

# in Cases of High Treason. 39

cut off, and your Bowels to be taken out of your Belly, and there burnt, you being alive: and your Head to be cut off, and your Body to be divided into four Quarters, and that your Head and Quarters be disposed of where Her Majesty shall think fit.

This is the Judgment upon Men in all Cases of High Treason, except Counterfeiting, Clipping, Washing, Rounding, Filing, Impairing, Diminishing, Falsifying, Scaling, or Lightning the Coin, and except all Offences made Treason by an Act made in the Eighth and Ninth Years of the late King William the Third, Entitled, *An Act for the better preventing the Counterfeiting the current Coin of this Kingdom.*

You C. D. are to be led to the Goal from whence you came, and from thence you are to be Drawn upon a Hurdle to the Place of Execution, and there you are to be Hanged by your Neck until you be Dead.

Judgment against a Man in High Treason for Counterfeiting, Clipping, Washing, Rounding, Filing, Impairing, Diminishing,

Falsifying, Scaling, or Lightning the Coin, and for High Treasons against the Statute of the Eighth and Ninth of King William the Third.

You E. L. are to be led to the Goal from whence you came, and from thence you are to be Drawn upon a Hurdle to the Place of Execution, and there you are to be Burned with Fire until you be Dead.

Judgment against a Woman in all Cases of Treason.

When

## The Trial of Commoners

A Woman Con-  
victed of High  
Treason, pleads  
Pregnancy.

When a Woman is Indicted and Convicted of High Treason, and hath had Judgment given against her, then the Clerk of Arraignments must call the Woman to be set to the Bar again, (as the manner is in that behalf) and then ask her, What she can say for her self in stay of Execution of her according to the Judgment given against her? And if she say, That she is great with Child, and prayeth a Jury of Matrons or Motherly Women to inspect and try whether she be great with Child or not; that is to be granted unto her, and always used to be granted in like Case. And thereupon the *Cl. Arr.* addeth to the former Entry over her Name upon the Indictment, *placitat pregnan'* and the Court thereupon useth to command the Sheriff of the County immediately to cause to come Twelve good and Motherly Women, by whom the Prisoner's Plea of Pregnancy may be Tried, and who are not of Kindred to the Prisoner, to handle and inspect her Body and Secret Parts, because the Prisoner puts her self upon that Jury. And when the Jury of Matrons aforesaid, and a Pannel of their Names are brought by the Sheriff into Court, the *Cl. Arr.* is to call them by the Pannel, and Swear Twelve of them, thus,

*Cl Arr. A. M. Lay your Right Hand upon the Book, look upon the Prisoner, and hearken to your Oath.*

*Cryer. You shall diligently Enquire, Search and Try whether E. L. now Prisoner at the Bar be with Quick Child or not, and thereof give a true Verdict according to the best of your Skill and Knowledge. So help you God. Kiss the Book.*

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## in Cases of High Treason. 41

And so to proceed on until Twelve Matrons are Sworn, as aforesaid.

Cl. Arr. To Name the Twelve Matrons Sworn, and bid the Cryer Count them.

Cl. Arr. Bids the Cryer Swear a Bailiff to keep the Jury of Matrons, thus,

Cryer. *You shall well and truly keep this Jury of Matrons without Meat, Drink, Fire*

*or \* Candle ; you shall not suffer any Person but the Prisoner to speak unto them, nor you your self, unless it be*

\* If in the Night leave out the word Candle.

*to ask them whether they are Agreed of their Verdict, until they shall be Agreed of their Verdict. So help you God.*

*Kiss the Book.*

And then the Bailiff is to take the Jury of Matrons to some convenient private Room, and the Goaler to take the Prisoner to them to be Inspected by them ; and the Matrons having duly Searched and Inspected the Prisoner, and Conferred thereof together, and Agreed to give their Verdict, as well the aforesaid Prisoner, as the aforesaid Jury of Matrons, must be brought again into the Court.

Cl. Arr. *You good Women of the Jury of Matrons answer to your Names.* And the Clerk of the Arraignments having called them, and they having answered, then,

Cl. Arr. *Are you Agreed of your Verdict ?*

Jury of Matrons. *Yes.*

Cl. Arr. *Who shall say for you ?*

Jury. *The Forewoman.*

Cl. Arr. *Keeper, set E. L. to the Bar.*

Cl. Arr. *E. L. Hold up thy Hand. You of the Jury of Matrons, look upon the Prisoner :*

H

How



# The Trial of Commoners

How say you, Is E. L. with Quick Child, or not?

If the Forewoman answer and say, *She is with Quick Child,*

Cl. Arr. Add to the Entry over the Prisoner's Name upon the Indictment, *Jur' Matron' dicunt quod est pregnans.*

Cl. Arr. You of the Jury of Matrons, bearken to your Verdict as the Court hath Recorded it: You say that E. L. is Pregnant with Quick Child, and so you say all.

Thereupon the Court (for the Reverence of God, and lest the Child aforesaid, in the Belly of the said E. L. should suffer Death for the Crime of the Mother) doth order the said E. L. to be Recommitted to the Goal aforesaid, there to remain in Safe Custody of the Sheriff of the County aforesaid, until——

But if the Forewoman of Matrons answer and say, That E. L. the Prisoner is not with Quick Child, then

Cl. Arr. Add to the former Entry of Judgment over the Prisoners Name upon the Indictment, *Jur' Matron' dicunt quod non est pregnans.*

Cl. Arr. You of the Jury of Matrons, bearken to your Verdict as the Court hath Recorded it: You say that E. L. is not Pregnant with Quick Child, and so you say all.

Cl. Arr. Keeper, you must take the Prisoner from the Bar, and look to her, she stands Attainted of High Treason.

Note, If any Person Indicted of High Treason, when he or she shall be thereupon Arraigned, do stand Mute, or will not Plead effectually and directly to the Fact, then that is a Conviction.

And

## In Cases of High Treason. 43

And the Person so standing Mute, or not Pleading, as aforesaid, shall not have the Judgment of *Paine fort & dure*, but shall have the Judgment of a Traitor Convict.

But if the Court find any reason to doubt of the Sanity of the Person so standing Mute, before he or she have Judgment, it must be tried by a Jury, whether he or she stand Mute, fraudulently, wilfully, and obstinately, or by the Providence and Act of God.

And then the Court must command the Sheriff to Return a Jury on a Pannel, to try that Matter.

And Twelve Jurymen named in that Pannel must be Sworn; And Witnesses must be produced, and Sworn to prove the Matter against the Prisoner.

*You shall diligently Enquire, and true Presentment make, for and on behalf of our Sovereign Lady the Queen, whether A. B. the now Prisoner at the Bar, being now here Indicted of High Treason, stands Mute, fraudulently, wilfully, and obstinately, or by the Providence and Act of God, according to your Evidence and Knowledge: So help you God.*

Oath of a Jury to Try one standing Mute.

*Kiss the Book.*

The Offender forfeits all his Goods, and forfeits the Profits of his Lands during his Life, and is to suffer Imprisonment during his Life.

Judgment in Misprision of High Treason.

At the Close, or near the End of the Session of Oyer and Terminer, if there be any Prisoners in the Goal, who were committed for High Treason,

# 44 The Trial of Commoners, &c.

or Misprision of High Treason, or Suspicion thereof, and have not been Prosecuted and Indicted for the same, or having been Indicted, the Grand Jury hath Returned the Indictment against them into Court, indorsed *Ignoramus*; the Court may, if it be thought fit, Discharge such Prisoners out of Custody: And then by Direction of the Court,

*Cl. Arr.* Bids the Keeper of the Goal call those Prisoners by their Names, and set them to the Bar; And they being at the Bar,

*Cl. Arr.* Bids the Cryer make Proclamation with one Oyez, thus,

*Cryer.* If any one can Inform my Lords the Queens Justices, the Queens Sergeant, the Queens Attorney or Advocate, of any High Treason, or Misprision of High Treason, or other Misdemeanor committed or done by A. B. C. D. E. F. now Prisoners at the Bar, or any of them, let them come forth, and they shall be heard; for the Prisoners stand at the Bar upon their Deliverance.

Proclamation  
to deliver Sus-  
pects.

THE

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Oath of  
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